FORENSIC EXAMINATION REPORT

CASE NUMBER Wayne Stenehjem Phone

Case generated Thursday, February 29, 2024
Report generated Wednesday, March 13, 2024

CASE OVERVIEW

CASE PROCESSING DETAILS

SCAN 1

Scan date **Thursday, February 29, 2024 1:33:03 PM**

EVIDENCE OVERVIEW

Evidence items	1
Combined results	794,539

WAYNE STENEHJEM (794,539)

Evidence number	Wayne Stenehjem
Location	EXTRACTION_FFS.zip
Platform	Mobile

Record 1

Sender Name	7016907956@vzwpix.com
Sender Email	7016907956@vzwpix.com
Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:40:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:40:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:40:21.000 AM
Body	
Attachments	text_0[15989].txt

Record 2

Sender Name	7016907956@vzwpix.com
Sender Email	7016907956@vzwpix.com
Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:40:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:40:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:40:21.000 AM
Body	
Attachments	text_0[12631].txt

Record 3

Sender Name	Aaron Birst
Sender Email	§44-04-18.21
Recipients	ajaeger@nd.gov, wstenehjem@nd.gov
Subject	Lincoln Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:22.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:51.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning gentlemen. So the Bismarck Area Republicans are getting back to doing our Lincoln Day celebration night after taking some time off due to Covid. This years get together is scheduled for February 10th at the Ramada. Since both of you are ending your remarkable careers I was thinking you both could be co-speakers. As you know the speeches are not formal so I was just thinking of having each of you speak for 10 minutes reflecting on your time in office or whatever you would want. Thoughts?? AGB

Record 4

Sender Name	Aaron Birst
Sender Email	§44-04-18.21
Recipients	ajaeger@nd.gov, wstenehjem@nd.gov
Subject	Lincoln Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:22.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:51.000 AM

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Record 5

Sender Name	Aicha Bah
Sender Email	abah@naag.org
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	NAAG Dues 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 7:55:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 7:55:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 7:55:40.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** TO: All Attorneys General FROM: Theresia Heller, Chief Financial Officer SUBJECT: Annual Dues Invoices for Calendar Year 2022 Enclosed is an invoice for your state's annual dues to the National Association of Attorneys General for the calendar year 2022. Also enclosed for your information is a copy of the NAAG Dues Schedule for calendar year 2022. The groupings are based on the data of the latest Census. According to Article VII Section 1 of the NAAG Constitution, the dues and publications/technical assistance fees for each Attorney General shall be assessed according to a schedule, which is based upon the population of each jurisdiction. Each state's grouping on the schedule shall be readjusted by the Executive Committee as soon as practicable following the availability of the population figures of the midterm and decennial census. Dues shall increase annually by the Consumer Price Index (CPI) or 3%, whichever is greater. The invoice is due and payable on receipt. If you or your staff have any questions or require any further clarification, please feel free to contact Aicha Bah at 202-326-6013 or abah@naag.org **Aicha Bah** **Finance and Accounts Receivable Coordinator** **National Association of Attorneys General** 1850 M Street NW, 12th floor Washington DC 20036 202.326.6013
CC	theller@naag.org
Attachments	image001[15205].png, 15913.pdf, 15914.pdf

Record 6

Sender Name	Aicha Bah
Sender Email	abah@naag.org
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	NAAG Dues 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 7:55:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 7:55:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 7:55:40.000 AM

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CC	theller@naag.org
Attachments	image001[11801].png, 12549.pdf, 12550.pdf

Record 7

Sender Name	Attorney General Alliance
Sender Email	abernstein+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Cannabis Project December Newsletter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 11:15:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 11:15:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 11:15:28.000 AM

Body

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ATTORNEY GENERAL ALLIANCE

OVERVIEW

Year in Review

Thanks to the contribution of many, 2021 proved to be a BIG year for the Cannabis Project. Throughout the year, we convened stakeholders in both virtual and in-person forums, supported bipartisan State AG activity, published biannual newsletters, collaborated with public and private sector experts on emerging issues, and assisted with multi-jurisdictional collaboration efforts to protect public health and safety.

We want to offer a special thanks to the many individuals and offices who volunteered extensive time and expertise supporting the publication of the **Cannabis Law Deskbook.** We are fortunate to announce that the **Cannabis Law Deskbook** is now available as an online Secondary Source for WestLaw subscribers. If you have questions about your access, please contact your WestLaw subscription administrator for more information.

In reflecting on the past year, four broad trends emerge across the cannabis landscape.

Program expansion. At various points throughout the year, over a half-dozen states entered the early phases of developing new intrastate adult-use cannabis markets in response to voter mandates or legislative enactments, including Arizona, Connecticut, New York, New Jersey, Montana, Virginia, and Vermont. As millions more Americans will soon be able to purchase state legalized cannabis, this rapid expansion presents both opportunities and challenges. Primary focal points will include harmonizing and standardizing across state lines through interstate collaboration and coordination, as well as ensuring new state markets create safe and stable supply chains that incentivize market participation and reduce the impacts of illegal activity.

Delta-8 THC and other underregulated products. This rapid intrastate expansion was coupled with the rise of a marketplace for cannabis products containing new and unforeseen cannabis isomers, including Delta-8 THC, Delta-10 THC, CBG, and CBN. These products are available in markets operating with questionable legality. As these products are subject to very little, if any, federal or state regulatory oversight, consumers cannot be ensured of safe and secure manufacturing supply chains or techniques. Indeed, market research from both private and public entities suggests many of the available products contain a high degree of harmful additives and are a potential source of an increase of adverse health events. The rise of products that contain unregulated psychoactive THC isomers represents a source of concern for law enforcement, regulators, and consumer protection and public health advocates.

Illegal activity. Despite the expansion of intrastate cannabis programs, the size and scope of the illicit cannabis market has not decreased. In certain jurisdictions, sales from illicit cannabis suppliers outpaces legal and licensed cannabis activity. Illicit cannabis operators lack incentives to grow and manufacture products that are free from harmful contaminants such as pesticides, molds, heavy metals and harmful solvents. Moreover, illicit cultivations are often the site of serious environmental impacts including overwatering, chemical displacement, and illegal use of public and protected lands, as well as potential human trafficking and violent crimes. Finally, illicit cannabis products, like look-alike candy and packaged goods, are sold through deceptive practices and meant to entice youth consumption.

Social Equity. Nearly all jurisdictions permitting adult-use cannabis are grappling with how best to center social equity within their state programs. Two articles below describe the work to date. Cat Packer, Executive Director of the City of Los Angelesâ€™ cannabis program and Cannabis Law Deskbook author, reminds us, *â€œe[e]quity is a responsibility of all those in public service. Governments at all levels must fully account for the harms of the War on Drugs, which include harms experienced by way of cannabis prohibition and its enforcement.*â€ Social equity as a responsibility for cannabis public policy makers, Cannabis Law Deskbook Â§

Body

7:2 (2021-2022 ed.)

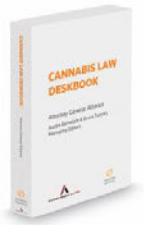
Social equity programs seek two main objectives: Rectifying harms caused by disproportionate enforcement of cannabis prohibition, and expanding opportunities in the cannabis industry for those communities and individuals harmed. Programs include offering pathways for individuals to obtain collateral relief for qualifying past convictions (e.g. record sealing, expungement, or pardons); reinvesting tax revenue collected from cannabis sales into communities through grant programs to nonprofit organizations; and expanding opportunities for ownership and employment within intrastate markets through licensing, access to capital for owners, and educational training. Designing and implementing these programs with efficiency, effectiveness, and with low litigation risk, is a challenge but possible through collaboration, constant data collection, and stakeholder feedback.

As the AGAâ€™s Cannabis Project prepares for 2022 programming, we expect each of these issues will continue to draw attention from both public and private participants. We welcome your feedback on future programming and look forward to your participation.

Have a happy, healthy, and safe New Year!

ANNOUNCEMENTS

Cannabis Law Deskbook Available at Thomson Reuters On-Line Store and in WestLaw



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For a sneak-peek at the content, Chapter 1, Cannabis Law: Moving Fast *and* Slow, by Managing Editors Austin Bernstein and Bruce Turcott, is attached.

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CANNABIS LAW: MOVING FAST AND SLOW

If you have questions or feedback about the AGA Cannabis Law Deskbok, please contact:

| Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG |

ATTORNEY GENERAL ACTIVITY

California Attorney General Bonta Urges Prosecuting Agencies to Work with Courts to Prioritize Relief for Californians with Outdated Cannabis Convictions

Californiaâ€™s AB 1793 is intended to streamline the process for individuals to

Body	obtain relief for past cannabis convictions by requiring the CA DOJ to review records in the state criminal database and identify convictions which are eligible for relief. Attorney General Bonta stated that â€œsince this law went into effect, tens of thousands of Californians have been able to turn the page and make a fresh start â€" but unfortunately there are still some who are waiting for relief. I urge counties to prioritize processing their records so that these Californians can finally get the relief they deserve. My team is available as a resource, and we won't stop working until every Californian eligible for relief under AB 1793 is experiencing the lawâ€™s intended benefits.â€ Read more from the CA DOJ Press Release HERE. **FEDERAL ACTIVITY** **SAFE Banking Act Withheld from the National Defense Authorization Act** Earlier this fall, the House of Representatives included the Secure and Fair Enforcement Banking Act (SAFE) in the NDAA, which would have created a safe harbor for the financial services and insurance industries serving the cannabis and hemp markets. Ultimately, the amendment was withheld from the final NDAA. The SAFE Banking Act, while popular on both sides of the aisle, continues to elude passage. Read more HERE. **Republican Rep. Nancy Mace (R-SC) Introduces Legislation to Decriminalize and Regulate Cannabis Federally** As a response to Sen. Majority Leader Schumerâ€™s discussion draft released earlier this summer, Rep. Mace introduced the States Reform Act, legislation that would decriminalize cannabis federally and defer to state law, impose a flat 3% federal tax, spread federal regulatory authority across three agencies, and expunge federal nonviolent cannabis offenses. Read more HERE. View a copy of the legislation HERE. **SOCIAL EQUITY UPDATES** **Two New Social Equity Reports Released** Social equity considerations are the focus of much attention, as new state cannabis programs are aimed at rectifying harms caused by the disproportionate criminal enforcement of cannabis prohibition and increasing minority ownership and employment in the expanding cannabis marketplace. The first report, "Fair and Square: How to Incorporate Social Equity into Cannabis Laws and Regulations", authored by Shaleen Title, former Commissioner of the Massachusetts Cannabis Control Commission (Mass CCC), discusses how state and local regulators can implement social equity policies along three domains: qualified applicants, benefits for applicants, and licensing policies. The second, "Racial Equity in Cannabis Policy," authored by current researchers in the Mass CCC, is the first social science research applying methodological analysis of racial and ethnic diversity in the Massachusetts cannabis industry. "FAIR AND SQUARE" REPORT" "RACIAL EQUITY IN CANNABIS POLICY" REPORT **BUSINESS & FINANCIAL UPDATES** **New Mexico Credit Union Receives the Nationâ€™s First Financial Institution Certification for Cannabis and Hemp Banking Protocols** In early December, New Mexico Attorney General Hector Balderas announced that U.S. Eagle Federal Credit Union is the first financial institution to become certified for its monetary banking protocols in cannabis and hemp operations. The certification is overseen by the Policy Center for Public Health & Safety in collaboration with State Attorneys General. Read more from the New Mexico Attorney Generalâ€™s Office HERE.

Body	

Record 8

Sender Name	Attorney General Alliance
Sender Email	abernstein+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Cannabis Project December Newsletter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 11:15:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 11:15:25.000 AM
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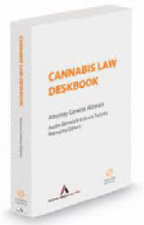

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CANNABIS LAW: MOVING FAST AND SLOW

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Body	

Record 9

Sender Name	Droske, Alex
Sender Email	adroske@nd.gov
Recipients	§44-04-18.21 [redacted]
Subject	2022 Indoor Range Schedule
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 9:12:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 9:12:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 9:12:42.000 AM

Body	Merry Christmas Everybody!! The following will be the 2022 indoor range schedule for the Bismarck Area. The range days will again be held at the Johnson Family Marksmanship Center in Bismarck ND. I have tried to simplify the dates and scheduled the first Monday of the month unless otherwise stated due to a holiday or scheduling conflict. January 10 February 7 March 7 April 4 May, June, July, and August will be outdoor range dates. Those dates will be determined at a later date. September 12 October 3 November 7 December 5 All dates are subject to change. At the request of the technologically savvy SS/A Jim Shaw, I will be sending out calendar invitations with my reminder emails to better serve Bureau Agents and my esteemed guests. Thanks so much and see y'all in 2022. S/A Alex Droske Bureau of Criminal Investigation (701) 328-9834 Office §44-04-18.3 adroske@nd.gov

Record 10

Sender Name	Droske, Alex
Sender Email	adroske@nd.gov
Recipients	§44-04-18.21
Subject	2022 Indoor Range Schedule
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 9:12:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 9:12:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 9:12:42.000 AM

Body	Merry Christmas Everybody!! The following will be the 2022 indoor range schedule for the Bismarck Area. The range days will again be held at the Johnson Family Marksmanship Center in Bismarck ND. I have tried to simplify the dates and scheduled the first Monday of the month unless otherwise stated due to a holiday or scheduling conflict. January 10 February 7 March 7 April 4 May, June, July, and August will be outdoor range dates. Those dates will be determined at a later date. September 12 October 3 November 7 December 5 All dates are subject to change. At the request of the technologically savvy SS/A Jim Shaw, I will be sending out calendar invitations with my reminder emails to better serve Bureau Agents and my esteemed guests. Thanks so much and see y'all in 2022. S/A Alex Droske Bureau of Criminal Investigation (701) 328-9834 Office §44-04-18.3 adroske@nd.gov

Record 11

Sender Name	Droske, Alex
Sender Email	adroske@nd.gov
Recipients	§44-04-18.21
Subject	January Range Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:45:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:45:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:45:54.000 PM
Body	Good afternoon, The January Range Day will be held at the Johnson Family Marksmanship Center on Monday Jan 10th From 8:30 am to 4:30 pm. The address to the Marksmanship Center is 4667 Sky Way, Bismarck ND 58503. Thank you all and Happy New Year! S/A Alex Droske Bureau of Criminal Investigation (701) 328-9834 Office §44-04-18.3 adroske@nd.gov

Record 12

Sender Name	Droske, Alex
Sender Email	adroske@nd.gov

Subject	January Range Day
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:45:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:45:54.000 PM

Record 13

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agcapgrd@nd.gov, agcap1@nd.gov
Subject	Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:27:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:27:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:27:01.000 AM
Body	Hello everyone, **Our Food Collection Challenge ends tomorrow!** Please consider donating if you haven't already done so – we look forward to seeing how we compared to other agencies and it all is for a great cause. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, December 6, 2021 4:47 PM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** Food Collection Challenge REMINDER – we are participating the Food Collection Challenge as well! Please consider donating non-perishable food items to help those in need in our area (and compete with other agencies). Thank you to everyone who has donated already – our tree doesn't look as lonely as it did last week but if you haven't donated yet, please consider doing so! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Tuesday, November 30, 2021 8:52 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Food Collection Challenge Good morning everyone, The Office of the State Auditor has challenged our office in a **collection of food** for people in need. Can you help? Here's how it works: 1. Each location (Capitol 1st Floor, Capitol 17th Floor, AG South, BCI, and Medicare) will have an empty box ready for you to put your donated items in. 2. **Collect as much non-perishable food** as you can. We'll divide the number of food we collect by the number of people in our agency and average for our total. (This makes it fair for smaller agencies to compete against larger agencies) 3. Food collection will run from **Tuesday the 30th of November, until Tuesday the 14th of December**. On Thursday the 16th, we will **drop off the food donations to the Bismarck Emergency Food Pantry** (1012 S 12th St, Bismarck, ND 58504) between 1 p.m. and 4 p.m. Let's donate some food for people in need! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**
Attachments	image001[14602].jpg

Record 14

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	Preparing for Year-End and W2's
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:35:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:35:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:35:58.000 AM
Body	Good morning everyone, As we are closely approaching the end of the year, it is time to verify that all your information is correct in PeopleSoft so that your W2 for 2021 is correct. There are a couple of things to do: • **Verify that your address is correct on your paycheck or in Employee Self Service by December 31, 2021** o Go to PeopleSoft, Employee Self Service and click on the Personal Details Tile ♠ If it isn't correct, please click on the address listed and update accordingly • **Verify that your benefits from annual enrollment look correct** o Go to Employee Self Service on PeopleSoft, click on the Benefit Details tile to open benefits summary o **CHANGE THE DATE ON THE TOP TO 01/01/2022 and CLICK REFRESH** o This is where you will view your NDPERS benefit elections for 2022 ♠ Find voluntary deduction such as AFLAC and Total Dental Administrator (TDA) under the Payroll tile o Contact me if you find any errors • **Employees that are claiming MN/MT withholding or Minnesota/Montana residence need to fill out a NDW-R form each year** • **The 1095-C and W-2 forms will be available for employees to view and print through the PeopleSoft Employee Self-Service page** o The 1095-C and W-2 will be for the 2021 tax year. o Employees that would like to receive and print their 1095-C and W-2 electronically will need consent that is available on the Employee Self-Service page. o If this applies to you, Shannon will be emailing you • **Ensure that your bank account is correct and up to date** o If it isn't, please contact me for the direct deposit change form Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**

Record 15

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:14:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:14:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:14:59.000 AM

Body	Hello everyone, Please see the message below from the Office of the Auditor regarding the Food Collection Challenge. You are all amazing and have contributed to such a great cause! Thank you for participating. --- Hello, Just wanted to first thank you for all of your office's work collecting food for people in need this holiday season! When we called the Emergency Food Pantry to let them know how much food (over 4,000 items!) was coming their way they said it was their largest donation ever. Thank you and your team so much for all of your work! Also just as a heads up, the attached press release will be going out later today letting the media know about the work all agencies have done to make this possible. Thank you so much again, appreciate all of your work! Emily **Emily Dalzell** Communications Officer 600 E. Boulevard Ave Dept 117, Bismarck, ND 58505 **Phone:** 701.328.2608 **Website:** nd.gov/auditor
Attachments	15990.docx, image001[14747].png, image002[14748].jpg, image003[14749].jpg, image004[14750].jpg, image005[14751].jpg

Record 16

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:14:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:14:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:14:59.000 AM
Body	Hello everyone, Please see the message below from the Office of the Auditor regarding the Food Collection Challenge. You are all amazing and have contributed to such a great cause! Thank you for participating. --- Hello, Just wanted to first thank you for all of your office's work collecting food for people in need this holiday season! When we called the Emergency Food Pantry to let them know how much food (over 4,000 items!) was coming their way they said it was their largest donation ever. Thank you and your team so much for all of your work! Also just as a heads up, the attached press release will be going out later today letting the media know about the work all agencies have done to make this possible. Thank you so much again, appreciate all of your work! Emily **Emily Dalzell** Communications Officer 600 E. Boulevard Ave Dept 117, Bismarck, ND 58505 **Phone:** 701.328.2608 **Website:** nd.gov/auditor
Attachments	12632.docx, image001[11289].png, image002[11290].jpg, image003[11291].jpg, image004[11292].jpg, image005[11293].jpg

Record 17

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	Sanford Health Wellness Newsletter - January 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:35.000 PM
Body	Hello everyone, Happy New Year! Please see the Sanford Health Wellness Newsletter for January 2022. The newsletter contains interesting information about creating connections, conflict and communication, a yummy recipe for Cauliflower Buffalo Wings, and more! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**
Attachments	15935.pdf

Record 18

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	Sanford Health Wellness Newsletter - January 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:35.000 PM
Body	Hello everyone, Happy New Year! Please see the Sanford Health Wellness Newsletter for January 2022. The newsletter contains interesting information about creating connections, conflict and communication, a yummy recipe for Cauliflower Buffalo Wings, and more! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**
Attachments	12571.pdf

Record 19

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	Going Away Party for Nikki Tryhus 1/20/22 at 10:30a.m.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:50:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:50:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:50:43.000 AM

Body	Good morning everyone, Please see the attached poster for details regarding Nikki Tryhus' Going Away Party – next Thursday, January 20th 10:30a.m. – 12:00p.m. in the Brynhild Haugland Room on the Ground Floor of the Capitol. Let's be sure to give her a proper AG Sendoff! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**
Attachments	15896.pdf

Record 20

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Subject	Going Away Party for Nikki Tryhus 1/20/22 at 10:30a.m.
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:50:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:50:43.000 AM

Record 21

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	COVID-19 At-Home Tests
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:49:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:49:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:49:09.000 AM
Body	Good morning everyone, Please see the link below regarding the at-home COVID-19 tests you may be eligible to receive for free through your health insurance plan. You can obtain them from pharmacies, retailers, and online vendors (provided there are tests available). You are also able to go to a new website, www.covidtests.gov, to order the tests starting tomorrow, January 19th. The tests are expected to ship seven to 12 days of being ordered. Here's how you can get free home Covid-19 tests - CNNPolitics Our agency follows the CDC guidelines as it relates to COVID-19, testing, and quarantine, so I have also provided the CDC recommendations regarding at-home tests: Self-Testing | CDC. Please let me know if you have any questions. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**

Record 22

Sender Name	Eisenbeis, Ashley
Sender Email	aeisenbeis@nd.gov
Recipients	agall@nd.gov
Subject	COVID-19 At-Home Tests
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:49:09.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:49:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:49:09.000 AM
Body	Good morning everyone, Please see the link below regarding the at-home COVID-19 tests you may be eligible to receive for free through your health insurance plan. You can obtain them from pharmacies, retailers, and online vendors (provided there are tests available). You are also able to go to a new website, www.covidtests.gov, to order the tests starting tomorrow, January 19th. The tests are expected to ship seven to 12 days of being ordered. Here's how you can get free home Covid-19 tests - CNNPolitics Our agency follows the CDC guidelines as it relates to COVID-19, testing, and quarantine, so I have also provided the CDC recommendations regarding at-home tests: Self-Testing | CDC. Please let me know if you have any questions. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**

Record 23

Sender Name	Jaeger, Al A.
Sender Email	ajaeger@nd.gov
Recipients	aaron.birst@ndaco.org
Subject	Lincoln Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 1:14:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 1:14:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 1:14:12.000 PM
Body	I am willing if Wayne is, too. **From:** Aaron Birst <§44-04-18.21 **Sent:** Wednesday, January 26, 2022 7:30 AM **To:** Jaeger, Al A. <ajaeger@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Lincoln Day Good morning gentlemen. So the Bismarck Area Republicans are getting back to doing our Lincoln Day celebration night after taking some time off due to Covid. This years get together is scheduled for February 10th at the Ramada. Since both of you are ending your remarkable careers I was thinking you both could be co-speakers. As you know the speeches are not formal so I was just thinking of having each of you speak for 10 minutes reflecting on your time in office or whatever you would want. Thoughts?? AGB
CC	wstenehjem@nd.gov

Record 24

Sender Name	Jaeger, Al A.
Sender Email	ajaeger@nd.gov
Recipients	aaron.birst@ndaco.org
Subject	Lincoln Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 1:14:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 1:14:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 1:14:12.000 PM

Body	I am willing if Wayne is, too. **From:** Aaron Birst <§44-04-18.21 **Sent:** Wednesday, January 26, 2022 7:30 AM **To:** Jaeger, Al A. <ajaeger@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Lincoln Day Good morning gentlemen. So the Bismarck Area Republicans are getting back to doing our Lincoln Day celebration night after taking some time off due to Covid. This years get together is scheduled for February 10th at the Ramada. Since both of you are ending your remarkable careers I was thinking you both could be co-speakers. As you know the speeches are not formal so I was just thinking of having each of you speak for 10 minutes reflecting on your time in office or whatever you would want. Thoughts?? AGB
CC	wstenehjem@nd.gov

Record 25

Sender Name	Cronquist, Alex J.
Sender Email	ajcronquist@nd.gov
Recipients	ajcronquist@nd.gov
Subject	Space needs survey - Please Complete
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:28:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:28:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:28:38.000 AM
Body	Good morning, The interim Government Administration Committee, Senator Randy A. Burckhard, Chairman, has been assigned studies of space needs and property leased by the state pursuant to Section 43 of House Bill No. 1015 (2021) and House Concurrent Resolution No. 3043 (2021). These studies include a determination of the individuals who own the property leased by the state, including the members of a corporation, partnership, or any other type of entity that owns property leased by the state. At the October 25, 2021, Government Administration Committee meeting, the Legislative Council was asked to conduct a survey of state entities to collect information on space needs and leased property ownership. The committee members are aware state leases do not always identify the individual owners of property and have requested agencies/entities ask their lessors for the information. Please complete the attached survey regarding state agency space needs and leased property ownership and return the completed survey to me via email (ajcronquist@nd.gov) by Monday, February 28, 2022. If you have any questions regarding this survey, please feel free to contact me. Thank you. Alex Cronquist, CPA Senior Fiscal Analyst North Dakota Legislative Council (701)328-4238 ajcronquist@nd.gov
Attachments	15849.docx

Record 26

Sender Name	Cronquist, Alex J.
Sender Email	ajcronquist@nd.gov
Subject	Space needs survey - Please Complete
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:28:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:28:38.000 AM

Record 27

Sender Name	Mathiak, Adam
Sender Email	amathiak@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Gov Finance Comments Feb 9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:49:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:49:54.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:49:55.000 PM
Body	Representative Michael Howe, Chairman, has called a meeting of the Government Finance Committee for **Wednesday, February 9, 2022, beginning at 10:00 a.m**. Pursuant to Section 1 of House Bill No. 1494, the Government Finance Committee is studying the recruitment and retention of law enforcement and correctional officers. Representative Howe asks that you or your representative arrange to provide comments **(approximately 20 minutes)** along with two other state agencies between **1:05 and 2:05 p.m.** regarding the recruitment, retention, turnover, and training of law enforcement and correctional officers. Presenters should deliver their presentations in person to the committee except in rare cases when the presenter's physical presence is not possible. Remote presentations must be approved by the chairman of the committee prior to the meeting. All presenters are asked to submit an electronic copy of their presentation in advance of committee meetings. A copy of the presentation will be attached to the committee meeting agenda for viewing electronically by committee members and members of the public. **Please submit an electronic copy of the presentation to Adam Mathiak (amathiak@nd.gov) by 2:00 p.m. on Tuesday, February 8, 2022, the day before the meeting.** In addition, presenters are asked to bring paper copies of their presentation to distribute at the meeting. Please bring 20 paper copies to ensure enough copies are available for the committee. The meeting notice and agenda have been posted to the committee's webpage . **Please respond to this email or call me at the number shown below to confirm your presentation to the committee.** Please contact me if you have any questions regarding the committee meeting. Thank you. **Adam Mathiak** ND Legislative Council 701-328-2936 amathiak@nd.gov
CC	aknudson@nd.gov

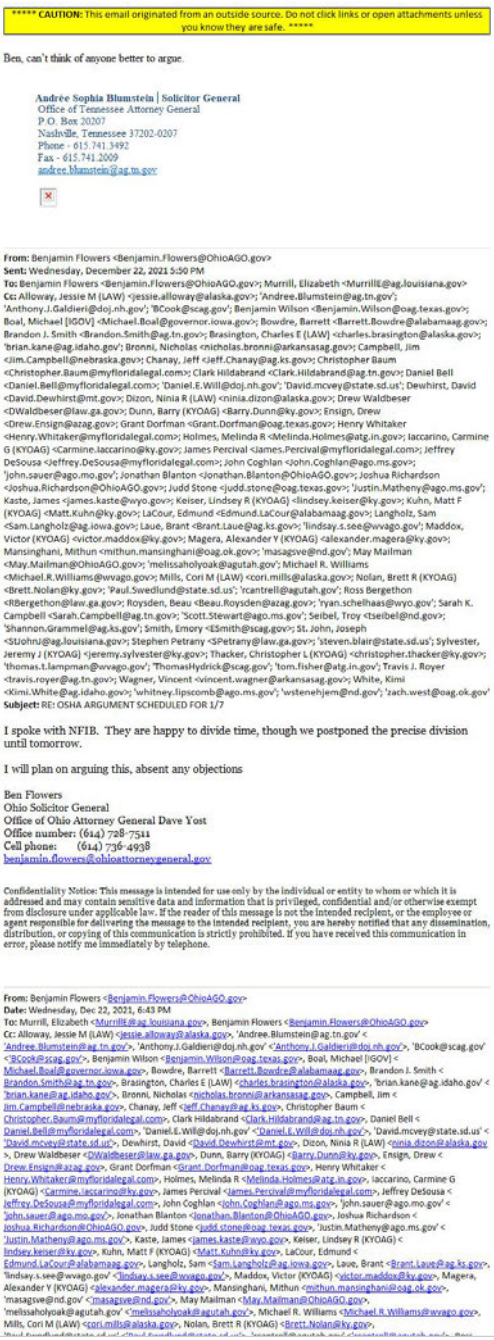
Record 28

Sender Name	Mathiak, Adam
Sender Email	amathiak@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Gov Finance Comments Feb 9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:49:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:49:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:49:55.000 PM
Body	Representative Michael Howe, Chairman, has called a meeting of the Government Finance Committee for **Wednesday, February 9, 2022, beginning at 10:00 a.m**. Pursuant to Section 1 of House Bill No. 1494, the Government Finance Committee is studying the recruitment and retention of law enforcement and correctional officers. Representative Howe asks that you or your representative arrange to provide comments **(approximately 20 minutes)** along with two other state agencies between **1:05 and 2:05 p.m.** regarding the recruitment, retention, turnover, and training of law enforcement and correctional officers. Presenters should deliver their presentations in person to the committee except in rare cases when the presenter's physical presence is not possible. Remote presentations must be approved by the chairman of the committee prior to the meeting. All presenters are asked to submit an electronic copy of their presentation in advance of committee meetings. A copy of the presentation will be attached to the committee meeting agenda for viewing electronically by committee members and members of the public. **Please submit an electronic copy of the presentation to Adam Mathiak (amathiak@nd.gov) by 2:00 p.m. on Tuesday, February 8, 2022, the day before the meeting.** In addition, presenters are asked to bring paper copies of their presentation to distribute at the meeting. Please bring 20 paper copies to ensure enough copies are available for the committee. The meeting notice and agenda have been posted to the committee's webpage . **Please respond to this email or call me at the number shown below to confirm your presentation to the committee.** Please contact me if you have any questions regarding the committee meeting. Thank you. **Adam Mathiak** ND Legislative Council 701-328-2936 amathiak@nd.gov
CC	aknudson@nd.gov

Record 29

Sender Name	Andree S. Blumstein
Sender Email	Andree.Blumstein@ag.tn.gov

Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:56:58.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:56:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:56:58.000 PM
Body	



***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Ben, can't think of anyone better to argue.

Andrée Sophia Blumstein | Solicitor General
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202-0207
Phone - 615.741.3492
Fax - 615.741.2009
andree.blumstein@ag.tn.gov

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, December 22, 2021 5:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: RE: OSHA ARGUMENT SCHEDULED FOR 1/7

I spoke with NFIB. They are happy to divide time, though we postponed the precise division until tomorrow.

I will plan on arguing this, absent any objections

Ben Flowers
Ohio Solicitor General
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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Date: Wednesday, Dec 22, 2021, 6:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>, Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <james.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>,

Body	Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** OSHA ARGUMENT SCHEDULED FOR 1/7 **SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time** **Ben Flowers** Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. --- **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Date:** Saturday, Dec 18, 2021, 8:50 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <james.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
Attachments	image001[14950].png

Record 30

Sender Name	Andree S. Blumstein
Sender Email	Andree.Blumstein@ag.tn.gov
Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:56:58.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:56:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:56:58.000 PM

Body

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Ben, can't think of anyone better to argue.

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P.O. Box 20207
Nashville, Tennessee 37202-0207
Phone - 615.741.3492
Fax - 615.741.2009
andree.blumstein@ag.tn.gov

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, December 22, 2021 5:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <James.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: RE: OSHA ARGUMENT SCHEDULED FOR 1/7

I spoke with NFIB. They are happy to divide time, though we postponed the precise division until tomorrow.

I will plan on arguing this, absent any objections

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Office of Ohio Attorney General Dave Yost
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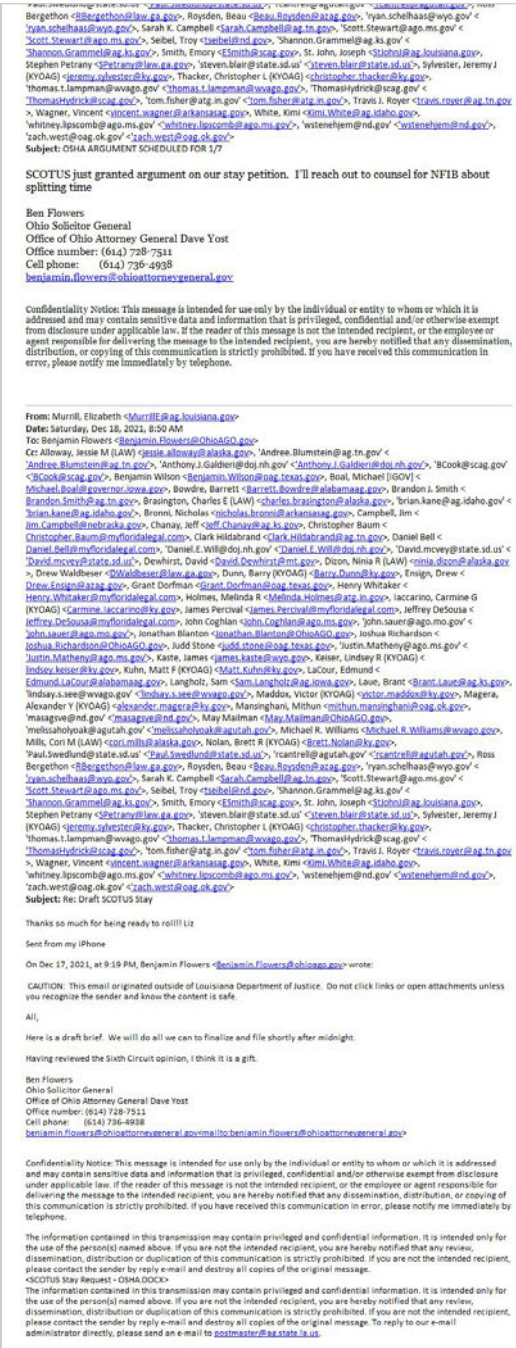
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>, Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <James.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>,

Body	
Attachments	image001[11500].png

Record 31

Sender Name	Cook, Andrew
Sender Email	andrew.cook@orrick.com
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	T-Mobile Releases 2021 Scam and Robocall Report (E-Briefing)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 8:50:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 8:50:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 8:50:54.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear General Stenehjem, On behalf of T-Mobile, we would like to share the following information with you. T-Mobile recently released its first end-of-year wireless scam report, sharing new data and trends on scam and robocalls. Attempted scam calls hit record highs in 2021 with T-Mobile Scam Shield having identified or blocked over 21 billion calls – that's 700 calls per second - for T-Mobile and Metro by T-Mobile customers through early December 2021. T-Mobile launched Scam Shield in July 2020 and thanks to the patented tools and safeguards built into the heart of T-Mobile's network, the Un-carrier is leading the industry in making sure every customer is protected against scammers – no special device, app or plan required. Our full news release can be found in the T-Mobile Newsroom: https://www.t-mobile.com/news/devices/t-mobile-releases-2021-scam-and-robocall-report. You can also check out the full report to learn more about scammer behavior including what parts of the US they target most. Please don't hesitate to reach out with any questions. Best regards, Andy, Rob, and Brian **Andrew Cook** Attorney Orrick Washington, DC T +1-202-339-8597 M +1-608-219-4632 andrew.cook@orrick.com **NOTICE TO RECIPIENT** | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation. For more information about Orrick, please visit *http://www.orrick.com*. In the course of our business relationship, we may collect, store and transfer information about you. Please see our privacy policy at https://www.orrick.com/Privacy-Policy to learn about how we use this information.
CC	rmckenna@orrick.com, brian.moran@orrick.com
Attachments	image001[15163].jpg, image002[15164].png

Record 32

Sender Name	Cook, Andrew
Sender Email	andrew.cook@orrick.com
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	T-Mobile Releases 2021 Scam and Robocall Report (E-Briefing)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 8:50:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 8:50:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 8:50:54.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear General Stenehjem, On behalf of T-Mobile, we would like to share the following information with you. T-Mobile recently released its first end-of-year wireless scam report, sharing new data and trends on scam and robocalls. Attempted scam calls hit record highs in 2021 with T-Mobile Scam Shield having identified or blocked over 21 billion calls – that's 700 calls per second - for T-Mobile and Metro by T-Mobile customers through early December 2021. T-Mobile launched Scam Shield in July 2020 and thanks to the patented tools and safeguards built into the heart of T-Mobile's network, the Un-carrier is leading the industry in making sure every customer is protected against scammers – no special device, app or plan required. Our full news release can be found in the T-Mobile Newsroom: https://www.t-mobile.com/news/devices/t-mobile-releases-2021-scam-and-robocall-report. You can also check out the full report to learn more about scammer behavior including what parts of the US they target most. Please don't hesitate to reach out with any questions. Best regards, Andy, Rob, and Brian **Andrew Cook** Attorney Orrick Washington, DC T +1-202-339-8597 M +1-608-219-4632 andrew.cook@orrick.com **NOTICE TO RECIPIENT** | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation. For more information about Orrick, please visit *http://www.orrick.com*. In the course of our business relationship, we may collect, store and transfer information about you. Please see our privacy policy at https://www.orrick.com/Privacy-Policy to learn about how we use this information.
CC	rmckenna@orrick.com, brian.moran@orrick.com
Attachments	image001[11761].jpg, image002[11762].png

Record 33

Sender Name	Otteson, Adam G.
Sender Email	aotteson@nd.gov
Recipients	dpgarner@nd.gov, wstenehjem@nd.gov, jodi.smith@nd.gov, masagsve@nd.gov, tseibel@nd.gov, kmccusker@nd.gov
Subject	RE: Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:09:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:09:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:09:45.000 AM

Body	Statute of Limitations? Adam Otteson, CPA *Director of Revenue Compliance* 701.328.1946 • aotteson@nd.gov • land.nd.gov **From:** Garner, David P. <dpgarner@nd.gov> **Sent:** Wednesday, January 12, 2022 10:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; McCusker, Kristie M. <kmccusker@nd.gov>; Otteson, Adam G. <aotteson@nd.gov> **Subject:** Newfield - Notice of Appeal Attached is a draft of the Notice of Appeal. Please send any comments or suggestions by the end of the week so I can file on Tuesday. Thank you. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640
Attachments	image001[15266].png

Record 34

Sender Name	Otteson, Adam G.
Sender Email	aotteson@nd.gov
Subject	RE: Newfield - Notice of Appeal
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:09:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:09:45.000 AM

Record 35

Sender Name	ASI Expanded Marketing
Sender Email	asimarketing@asiflex.com
Recipients	wstenehjem@nd.gov
Subject	NDPERS - ASIFlex FlexComp Participant Satisfaction Survey
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:04:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:28:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:04:24.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **NDPERS - ASIFlex FlexComp Participant Satisfaction Survey** ASIFlex partners with North Dakota Public Employees Retirement System (NDPERS) as the third-party administrator of the Flexible Spending Accounts available through the NDPERS FlexComp Program. ASIFlex appreciates your business and values your feedback. Please share your thoughts about your experience with ASIFlex and its administration of the medical and dependent care flexible spending accounts. Click here to access and respond to the survey If you wish to be contacted by a member of ASIFlex's senior leadership, please provide your name and contact information at the conclusion of this survey. Your candid feedback and suggestions are appreciated. Please respond by **January 31, 2022.** If you have any questions please call 800.659.3035. **ASIFlex Marketing** **201 W. Broadway, Ste. 4C** **Columbia, MO 65203** **800.659.3035** **ASIFlex.com**

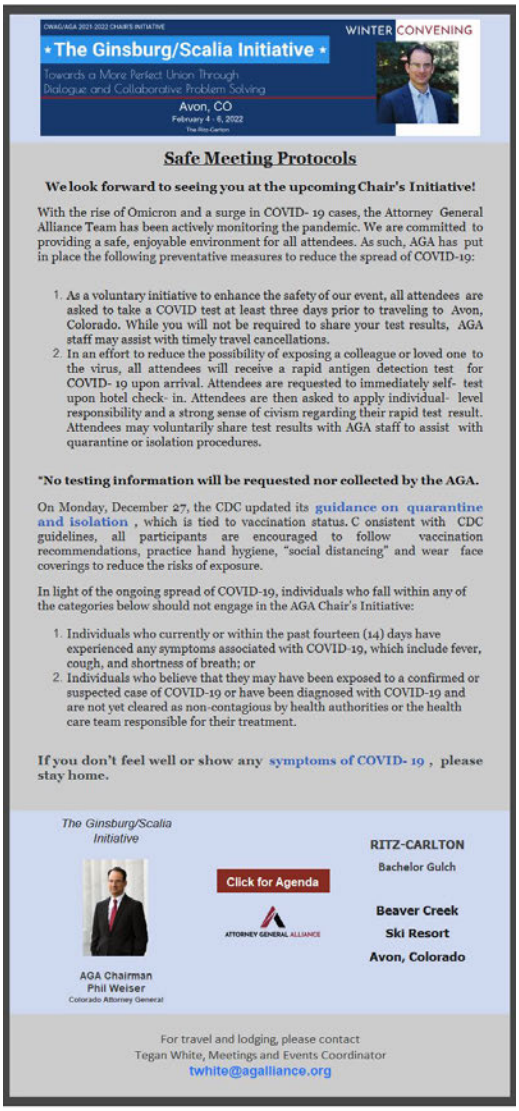
Record 36

Sender Name	ASI Expanded Marketing
Sender Email	asimarketing@asiflex.com
Recipients	wstenehjem@nd.gov
Subject	NDPERS - ASIFlex FlexComp Participant Satisfaction Survey
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:04:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:28:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:04:24.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **NDPERS - ASIFlex FlexComp Participant Satisfaction Survey** ASIFlex partners with North Dakota Public Employees Retirement System (NDPERS) as the third-party administrator of the Flexible Spending Accounts available through the NDPERS FlexComp Program. ASIFlex appreciates your business and values your feedback. Please share your thoughts about your experience with ASIFlex and its administration of the medical and dependent care flexible spending accounts. Click here to access and respond to the survey If you wish to be contacted by a member of ASIFlex's senior leadership, please provide your name and contact information at the conclusion of this survey. Your candid feedback and suggestions are appreciated. Please respond by **January 31, 2022.** If you have any questions please call 800.659.3035. **ASIFlex Marketing** **201 W. Broadway, Ste. 4C** **Columbia, MO 65203** **800.659.3035** **ASIFlex.com**

Record 37

Sender Name	Attorney General Alliance
Sender Email	astephens+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Safe Meeting Protocols
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:50:14.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:50:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:50:15.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

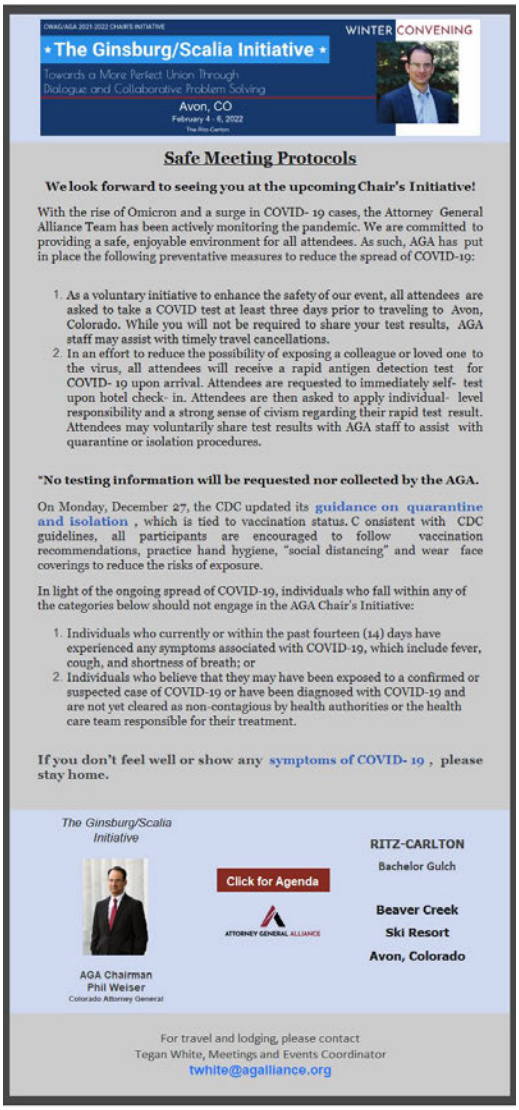


Record 38

Sender Name	Attorney General Alliance
Sender Email	astephens+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Safe Meeting Protocols
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:50:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:50:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:50:15.000 PM

Body	

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****



Attorney General Alliance
5050 Laguna Blvd Suite 112-323
Elk Grove, CA 95758-4193
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Update Profile | About Constant Contact
Sent by astephens@agalliance.org in collaboration with
Constant Contact
Try email marketing for free today!

Record 39

Sender Name	Attorney General Alliance
Sender Email	astephens+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	AGA - Save the Date
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:41:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:41:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:41:26.000 PM

Body	

Record 40

Sender Name	Attorney General Alliance
Sender Email	astephens+agalliance.org@ccsend.com
Subject	AGA - Save the Date
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:41:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:41:26.000 PM

Record 41

Sender Name	ADAS & Autonomous Vehicle Technology Expo USA
Sender Email	autonomous.vehicle.usa@avt-uki-me.com
Recipients	wstenehjem@nd.gov
Subject	New Dates For ADAS & Autonomous Vehicle Technology Expo & Conference
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:53:48.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:53:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:53:49.000 AM
Body	

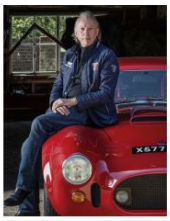
***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Date Change: September 7 & 8, 2022. View in browser

Due to the rapid escalation of the Omicron variant of C19 in the USA and elsewhere, we have decided to move ADAS & Autonomous Vehicle Technology Expo & Conference to run on **September 7 & 8, 2022.**

We all hope – and have fair reason to expect – that the real impact of Omicron will not be anything like as severe as that of C19 during the last two years. However, it will definitely cause some disruption, uncertainty and potentially some hesitance for some people about joining moderately large gatherings at indoor events. Therefore, rather than running the risk of presenting an event that is less than 100%, we have discussed the issue with our exhibitors and agreed that it is much better to postpone the expo until the late summer.

All arrangements are essentially in place, with an excellent line-up of exhibitors and a lively conference program that has some excellent content. More exhibitors are signing up every week and even more content will have been added by the time we run the event in September.



Footnote: I attended the first-ever autonomous highway demonstration in San Diego in 1997 and was also a guest at the PROMETHEUS final meeting in Paris a few years earlier, in 1994. The highlight of the event in France was the Mercedes S Class driving itself fully autonomously rather well. The San Diego event featured Buick LeSabres platooning along a closed-off section of freeway at 60mph. I was also the first person in Europe to drive the GM EV1.

Rest assured, this is all a key part of my world and I truly look forward to bringing a really exciting event to you all in California.

Best regards,
Tony Robinson, founder, ADAS & Autonomous Vehicle Technology Expo & Conference

Visit the website for more information

Register for your free expo pass

Book your conference pass (early bird discount rate applies)

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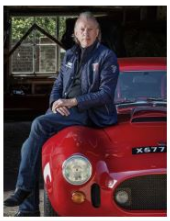
{~AT916534871083507833942318zzzzz64c76240ad060ca0bf3adfc03e508cfd5534e3aaa2704793047da45f

Record 42

Sender Name	ADAS & Autonomous Vehicle Technology Expo USA
Sender Email	autonomous.vehicle.usa@avt-uki-me.com
Recipients	wstenehjem@nd.gov
Subject	New Dates For ADAS & Autonomous Vehicle Technology Expo & Conference
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:53:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:53:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:53:49.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Date Change: September 7 & 8, 2022. View in browser Due to the rapid escalation of the Omicron variant of C19 in the USA and elsewhere, we have decided to move ADAS & Autonomous Vehicle Technology Expo & Conference to run on **September 7 & 8, 2022.** We all hope – and have fair reason to expect – that the real impact of Omicron will not be anything like as severe as that of C19 during the last two years. However, it will definitely cause some disruption, uncertainty and potentially some hesitance for some people about joining moderately large gatherings at indoor events. Therefore, rather than running the risk of presenting an event that is less than 100%, we have discussed the issue with our exhibitors and agreed that it is much better to postpone the expo until the late summer. All arrangements are essentially in place, with an excellent line-up of exhibitors and a lively conference program that has some excellent content. More exhibitors are signing up every week and even more content will have been added by the time we run the event in September.  *Footnote:* I attended the first-ever autonomous highway demonstration in San Diego in 1997 and was also a guest at the PROMETHEUS final meeting in Paris a few years earlier, in 1994. The highlight of the event in France was the Mercedes S Class driving itself fully autonomously rather well. The San Diego event featured Buick LeSabres platooning along a closed-off section of freeway at 60mph. I was also the first person in Europe to drive the GM EV1. Rest assured, this is all a key part of my world and I truly look forward to bringing a really exciting event to you all in California. Best regards, Tony Robinson, founder, ADAS & Autonomous Vehicle Technology Expo & Conference Visit the website for more information Register for your free expo pass Book your conference pass (early bird discount rate applies) Company Site Privacy Policy Unsubscribe UKi Media & Events, a division of UKIP Media & Events Limited Registered Address: 10 Queen Street Place, London, EC4R 1AG VAT No. GB879 4451 71 Registration Number: 5893940 Company registered in England and Wales {~AT916534871083507833942318zzzzz64c76240ad060ca0bf3adfc03e508cfd5534e3aaa2704793047da45f

Record 43

Sender Name	Adam Willis
Sender Email	awillis@forumcomm.com
Recipients	wstenehjem@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:08:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:07:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:08:51.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Attorney General, if you have the time for a quick phone call, that would be great. My number is (404) 952-4437. Thank you! Adam On Fri, Jan 14, 2022 at 5:04 PM Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: Adam, Do you still need the answer to the questions you posed? If so, please give me a number to call. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 44

Sender Name	Adam Willis
Sender Email	awillis@forumcomm.com
Recipients	wstenehjem@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:08:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:07:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:08:51.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Attorney General, if you have the time for a quick phone call, that would be great. My number is (404) 952-4437. Thank you! Adam On Fri, Jan 14, 2022 at 5:04 PM Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: Adam, Do you still need the answer to the questions you posed? If so, please give me a number to call. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 45

Sender Name	Roysden, Beau
Sender Email	Beau.Roysden@azag.gov
Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:50.000 PM
Body	

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Same for CMS mandate

From: Benjamin Flowers [mailto:Benjamin.Flowers@OhioAGO.gov]
Sent: Wednesday, December 22, 2021 4:43 PM
To: Murrill, Elizabeth; Benjamin Flowers
Cc: Alloway, Jessie M (LAW); 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson; Boal, Michael [IGOV]; Bowdre, Barrett; Brandon J. Smith; Brasington, Charles E (LAW); 'brian.kane@ag.idaho.gov'; Bronni, Nicholas; Campbell, Jim; Chanay, Jeff; Christopher Baum; Clark Hildabrand; Daniel Bell; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David; Dizon, Ninia R (LAW); Drew Waldbeser; Dunn, Barry (KYOAG); Ensign, Drew; Grant Dorfman; Henry Whitaker; Holmes, Melinda R; Iaccarino, Carmine G (KYOAG); James Percival; Jeffrey DeSousa; John Coghlan; 'john.sauer@ago.mo.gov'; Jonathan Blanton; Joshua Richardson; Judd Stone; 'Justin.Matheny@ago.ms.gov'; Kaste, James; Keiser, Lindsey R (KYOAG); Kuhn, Matt F (KYOAG); LaCour, Edmund; Langholz, Sam; Laue, Brant; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG); Magera, Alexander Y (KYOAG); Mansinghani, Mithun; 'masagsve@nd.gov'; May Mailman; 'melissaholyoak@agutah.gov'; Michael R. Williams; Mills, Cori M (LAW); Nolan, Brett R (KYOAG); 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon; Roysden, Beau; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory; St. John, Joseph; Stephen Petrany; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG); Thacker, Christopher L (KYOAG); 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer; Wagner, Vincent; White, Kimi; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: OSHA ARGUMENT SCHEDULED FOR 1/7
Importance: High

SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Date: Saturday, Dec 18, 2021, 8:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <

Body	Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' < 'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson < Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' < 'Justin.Matheny@ago.ms.gov'>, Kaste, James <james.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) < lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund < Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant < Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) < victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun < mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman < May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams < Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) < Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' < 'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' < 'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi < Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. <SCOTUS Stay Request - OSHA.DOCX> The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
Attachments	15956.pdf

Record 46

Sender Name	Roysden, Beau
Sender Email	Beau.Roysden@azag.gov
Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:50.000 PM

Body

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Same for CMS mandate

From: Benjamin Flowers [mailto:Benjamin.Flowers@OhioAGO.gov]
Sent: Wednesday, December 22, 2021 4:43 PM
To: Murrill, Elizabeth; Benjamin Flowers
Cc: Alloway, Jessie M (LAW); 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson; Boal, Michael [IGOV]; Bowdre, Barrett; Brandon J. Smith; Brasington, Charles E (LAW); 'brian.kane@ag.idaho.gov'; Bronni, Nicholas; Campbell, Jim; Chanay, Jeff; Christopher Baum; Clark Hildabrand; Daniel Bell; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David; Dizon, Ninia R (LAW); Drew Waldbeser; Dunn, Barry (KYOAG); Ensign, Drew; Grant Dorfman; Henry Whitaker; Holmes, Melinda R; Iaccarino, Carmine G (KYOAG); James Percival; Jeffrey DeSousa; John Coghlan; 'john.sauer@ago.mo.gov'; Jonathan Blanton; Joshua Richardson; Judd Stone; 'Justin.Matheny@ago.ms.gov'; Kaste, James; Keiser, Lindsey R (KYOAG); Kuhn, Matt F (KYOAG); LaCour, Edmund; Langholz, Sam; Laue, Brant; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG); Magera, Alexander Y (KYOAG); Mansinghani, Mithun; 'masagsve@nd.gov'; May Mailman; 'melissaholyoak@agutah.gov'; Michael R. Williams; Mills, Cori M (LAW); Nolan, Brett R (KYOAG); 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon; Roysden, Beau; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory; St. John, Joseph; Stephen Petrany; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG); Thacker, Christopher L (KYOAG); 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer; Wagner, Vincent; White, Kimi; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: OSHA ARGUMENT SCHEDULED FOR 1/7
Importance: High

SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Date: Saturday, Dec 18, 2021, 8:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <

Body	Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' < 'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson < Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' < 'Justin.Matheny@ago.ms.gov'>, Kaste, James <james.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) < lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund < Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant < Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) < victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun < mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman < May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams < Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) < Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' < 'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' < 'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi < Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. <SCOTUS Stay Request - OSHA.DOCX> The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
Attachments	12596.pdf

Record 47

Sender Name	Keller, Becky J.
Sender Email	bekeller@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FTE
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:24:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:24:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:24:26.000 PM
Body	There were 159.50 FTE in 2001 There are 253.0 FTE now – an increase of 93.5 FTE!

Record 48

Sender Name	Keller, Becky J.

Sender Email	bekeller@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FTE
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:24:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:24:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:24:26.000 PM
Body	There were 159.50 FTE in 2001 There are 253.0 FTE now – an increase of 93.5 FTE!

Record 49

Sender Name	Keller, Becky J.
Sender Email	bekeller@nd.gov
Recipients	wstenehjem@nd.gov, rcmiller@nd.gov
Subject	RE: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:11:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:11:00.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:11:01.000 PM
Body	I have no issues. I have requested that Tasha and I be included in the entrance conference. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Miller, Randall C. <rcmiller@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** FW: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter I have no issues with this. Let me know if you do. Wayne **From:** Hellman, Delan D. <ddhellma@nd.gov> **Sent:** Wednesday, January 5, 2022 11:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Miller, Randall C. <rcmiller@nd.gov>; Slappy, Lindsey M. <lslappy@nd.gov> **Subject:** Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter Good Morning Attorney General Stenehjem, Attached you will find the Engagement Letter for the upcoming Fiscal Year 2021 financial audit of the North Dakota Lottery. Please let me or the Audit Manager, Lindsey Slappy (328-2336 / lslappy@nd.gov), know if you have any questions. Thank you, **DELAN HELLMAN** Senior Auditor North Dakota State Auditor's Office 600 E. Boulevard Ave. Dept 117 Bismarck, ND 58505-0060 p: 701-328-2744 www.nd.gov/auditor

Record 50

Sender Name	Keller, Becky J.
Sender Email	bekeller@nd.gov
Recipients	wstenehjem@nd.gov, rcmiller@nd.gov
Subject	RE: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:11:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:11:00.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:11:01.000 PM
Body	I have no issues. I have requested that Tasha and I be included in the entrance conference. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Miller, Randall C. <rcmiller@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** FW: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter I have no issues with this. Let me know if you do. Wayne **From:** Hellman, Delan D. <ddhellma@nd.gov> **Sent:** Wednesday, January 5, 2022 11:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Miller, Randall C. <rcmiller@nd.gov>; Slappy, Lindsey M. <lslappy@nd.gov> **Subject:** Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter Good Morning Attorney General Stenehjem, Attached you will find the Engagement Letter for the upcoming Fiscal Year 2021 financial audit of the North Dakota Lottery. Please let me or the Audit Manager, Lindsey Slappy (328-2336 / lslappy@nd.gov), know if you have any questions. Thank you, **DELAN HELLMAN** Senior Auditor North Dakota State Auditor's Office 600 E. Boulevard Ave. Dept 117 Bismarck, ND 58505-0060 p: 701-328-2744 www.nd.gov/auditor

Record 51

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	Draft SCOTUS Stay
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:20:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:20:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:20:29.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
Attachments	15967.DOCX

Record 52

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	Draft SCOTUS Stay
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:20:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:20:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:20:29.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
Attachments	12609.DOCX

Record 53

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	RE: OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:06:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:06:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:06:36.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** This is definitely something we'll include at the outset of the reply Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Wednesday, December 29, 2021 11:34 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; brandon.smith@ag.tn.gov; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <Judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; beau.roysden@azag.gov; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Subject:** OSHA ETS - State Plan States Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 | Direct: (515) 281-8683 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[14991].png

Record 54

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	RE: OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:06:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:06:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:06:36.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** This is definitely something we'll include at the outset of the reply Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Wednesday, December 29, 2021 11:34 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; brandon.smith@ag.tn.gov; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <Judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; beau.roysden@azag.gov; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Subject:** OSHA ETS - State Plan States Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 | Direct: (515) 281-8683 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[11556].png

Record 55

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	OSHA Response
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 4:08:36.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 4:08:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 4:08:36.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Here is OSHA's response. There's nothing surprising, except perhaps the argument at the end that the court can't grant cert before judgment here under *Marbury*. That's really moot now—we don't need cert before judgment if they make clear in the stay that we'll prevail. https://www.supremecourt.gov/DocketPDF/21/21A244/206997/20211230152222881_21A243%20et%20 Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Record 56

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	OSHA Response
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 4:08:36.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 4:08:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 4:08:36.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Here is OSHA's response. There's nothing surprising, except perhaps the argument at the end that the court can't grant cert before judgment here under *Marbury*. That's really moot now—we don't need cert before judgment if they make clear in the stay that we'll prevail. https://www.supremecourt.gov/DocketPDF/21/21A244/206997/20211230152222881_21A243%20et%20 Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Record 57

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	OSHA Reply
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 7:49:09.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 7:48:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 7:49:10.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** We are filed. While I'll keep prepping, for the rest of you I think the hay's in the barn at this point. Thank you so much for your attention to the brief and all of your wonderful edits. And I want to thank my deputies—May Mailman, Mathura Sridharan, and John Rockenbach—for their exceptional work on this brief. One request: If anything changes with your State plans, could you let me know? For example, if you tell OSHA you're dropping out, I'd like to know. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	May.Mailman@OhioAGO.gov, Mathura.Sridharan@OhioAGO.gov, John.Rockenbach@OhioAGO.gov
Attachments	15941.pdf

Record 58

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	OSHA Reply
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 7:49:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 7:48:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 7:49:10.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** We are filed. While I'll keep prepping, for the rest of you I think the hay's in the barn at this point. Thank you so much for your attention to the brief and all of your wonderful edits. And I want to thank my deputies—May Mailman, Mathura Sridharan, and John Rockenbach—for their exceptional work on this brief. One request: If anything changes with your State plans, could you let me know? For example, if you tell OSHA you're dropping out, I'd like to know. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	May.Mailman@OhioAGO.gov, Mathura.Sridharan@OhioAGO.gov, John.Rockenbach@OhioAGO.gov
Attachments	12576.pdf

Record 59

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	Title X Injunction Pending Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:36.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Our request for an injunction pending appeal at CA6 is filed. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
Attachments	15934.PDF

Record 60

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	Title X Injunction Pending Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:29:36.000 PM
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Attachments	12570.PDF

Record 61

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	OSHA Update
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:24.000 PM
Body	

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,

I have good news and bad news. The good news is that moots have being going well and we look forward to argument tomorrow. The bad news I will have to participate by phone: despite being triple vaxxed and taking precautions, I had an asymptomatic case of COVID. I've since recovered but the PCR test—which can pick up results up to 90 days old—detected the virus. I'm very sorry about this, but I'm confident it won't affect our case. I have a practice session with the Court to test audio, and I'm told another attorney in one of the cases will also be remote.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Date: Thursday, Dec 30, 2021, 5:08 PM
To: 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>, 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>, 'BCook@scag.gov' <BCook@scag.gov>, 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>, 'Boal, Michael [GOV]' <Michael.Boal@governor.iowa.gov>, 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>, 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>, 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>, 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>, 'Campbell, Jim' <jim.campbell@nebraska.gov>, 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>, 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>, 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>, 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>, 'David.mcvey@state.sd.us' <David.mcvey@state.sd.us>, 'Dewhirst, David' <David.Dewhirst@mt.gov>, 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>, 'Drew Waldbeser' <DWaldbeser@law.ga.gov>, 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>, 'Ensign, Drew' <Drew.Ensign@azag.gov>, 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>, 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>, 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>, 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>, 'James Percival' <James.Percival@myfloridalegal.com>, 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>, 'John Coghlan' <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, 'Judd Stone' <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>, 'Kaste, James' <james.kaste@wyo.gov>, 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>, 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>, 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>, 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>, 'Laue, Brant' <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>, 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>, 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>, 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <masagsve@nd.gov>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>, 'Michael R. Williams' <Michael.R.Williams@wvago.gov>, 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>, 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>, 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>, 'rcantrell@agutah.gov' <rcantrell@agutah.gov>, 'Ross Bergethon' <RBergethon@law.ga.gov>, 'Roysden, Beau' <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>, 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>, 'Seibel, Troy' <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <Shannon.Grammel@ag.ks.gov>, 'Smith, Emory' <ESmith@scag.gov>, 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>, 'Stephen Petrany' <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <steven.blair@state.sd.us>, 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>, 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>, 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>, 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>, 'Travis J. Royer' <travis.royer@ag.tn.gov>, 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>, 'White, Kimi' <Kimi.White@ag.idaho.gov>, 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>, 'wstenehjem@nd.gov' <wstenehjem@nd.gov>, 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>
Subject: OSHA Response

All,

Here is OSHA's response. There's nothing surprising, except perhaps the argument at the end that the court can't grant cert before judgment here under *Marbury*. That's really moot now—we don't need cert before judgment if they make clear in the stay that we'll prevail.

https://www.supremecourt.gov/DocketPDF/21/21A244/206997/20211230152222881_21A243%20et%2C

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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Record 62

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	OSHA Update
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:24.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:24.000 PM
Body	

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All,

I have good news and bad news. The good news is that moots have being going well and we look forward to argument tomorrow. The bad news I will have to participate by phone: despite being triple vaxxed and taking precautions, I had an asymptomatic case of COVID. I've since recovered but the PCR test—which can pick up results up to 90 days old—detected the virus. I'm very sorry about this, but I'm confident it won't affect our case. I have a practice session with the Court to test audio, and I'm told another attorney in one of the cases will also be remote.

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Subject: OSHA Response

All,

Here is OSHA's response. There's nothing surprising, except perhaps the argument at the end that the court can't grant cert before judgment here under *Marbury*. That's really moot now—we don't need cert before judgment if they make clear in the stay that we'll prevail.

https://www.supremecourt.gov/DocketPDF/21/21A244/206997/20211230152222881_21A243%20et%2C

Ben Flowers
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Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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Record 63

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	FW: OSHA - CA6
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:52:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:52:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:52:24.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** FYI Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. **From:** Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov> **Sent:** Tuesday, January 18, 2022 10:47 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Raab, Michael (CIV) <Michael.Raab@usdoj.gov>; Jed, Adam C. (CIV) <Adam.C.Jed@usdoj.gov>; Totaro, Martin V. (CIV) <Martin.V.Totaro@usdoj.gov> **Subject:** RE: OSHA - CA6 Ben, Thanks for the email. We plan to get back to you later this week. Best, Brian Brian Springer Attorney, Civil Division, Appellate Staff U.S. Department of Justice (202) 616-5446 **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Friday, January 14, 2022 11:03 AM **To:** Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** [EXTERNAL] OSHA - CA6 Brian, Does the United States intend to continue defending the Vaccine Mandate? Sincerely, Ben Flowers Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	steve@lehotskykeller.com, scott@lehotskykeller.com

Record 64

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	FW: OSHA - CA6
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:52:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:52:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:52:24.000 AM

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CC	steve@lehotskykeller.com, scott@lehotskykeller.com

Record 65

Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	FW: OSHA - CA6
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:44:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:43:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:44:01.000 PM

Body

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FYI

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From: Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov>
Sent: Friday, January 21, 2022 4:41 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Raab, Michael (CIV) <Michael.Raab@usdoj.gov>; Jed, Adam C. (CIV) <Adam.C.Jed@usdoj.gov>; Totaro, Martin V. (CIV) <Martin.V.Totaro@usdoj.gov>
Subject: RE: OSHA - CA6

Ben,

With sincere apologies, we plan on getting back to you as soon as we can next week.

Best,
Brian

Brian Springer
Attorney, Civil Division, Appellate Staff
U.S. Department of Justice
(202) 616-5446

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, January 21, 2022 2:49 PM
To: Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Raab, Michael (CIV) <Michael.Raab@usdoj.gov>; Jed, Adam C. (CIV) <Adam.C.Jed@usdoj.gov>; Totaro, Martin V. (CIV) <Martin.V.Totaro@usdoj.gov>
Subject: [EXTERNAL] RE: OSHA - CA6

Brian,

What's the plan?

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511

Body	Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. **From:** Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov> **Sent:** Tuesday, January 18, 2022 10:47 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Raab, Michael (CIV) <Michael.Raab@usdoj.gov>; Jed, Adam C. (CIV) <Adam.C.Jed@usdoj.gov>; Totaro, Martin V. (CIV) <Martin.V.Totaro@usdoj.gov> **Subject:** RE: OSHA - CA6 Ben, Thanks for the email. We plan to get back to you later this week. Best, Brian Brian Springer Attorney, Civil Division, Appellate Staff U.S. Department of Justice (202) 616-5446 **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Friday, January 14, 2022 11:03 AM **To:** Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** [EXTERNAL] OSHA - CA6 Brian, Does the United States intend to continue defending the Vaccine Mandate? Sincerely, Ben Flowers Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

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Sent: Friday, January 21, 2022 4:41 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Raab, Michael (CIV) <Michael.Raab@usdoj.gov>; Jed, Adam C. (CIV) <Adam.C.Jed@usdoj.gov>; Totaro, Martin V. (CIV) <Martin.V.Totaro@usdoj.gov>
Subject: RE: OSHA - CA6

Ben,

With sincere apologies, we plan on getting back to you as soon as we can next week.

Best,
Brian

Brian Springer
Attorney, Civil Division, Appellate Staff
U.S. Department of Justice
(202) 616-5446

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, January 21, 2022 2:49 PM
To: Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Raab, Michael (CIV) <Michael.Raab@usdoj.gov>; Jed, Adam C. (CIV) <Adam.C.Jed@usdoj.gov>; Totaro, Martin V. (CIV) <Martin.V.Totaro@usdoj.gov>
Subject: [EXTERNAL] RE: OSHA - CA6

Brian,

What's the plan?

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511

Body	Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. **From:** Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov> **Sent:** Tuesday, January 18, 2022 10:47 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Raab, Michael (CIV) <Michael.Raab@usdoj.gov>; Jed, Adam C. (CIV) <Adam.C.Jed@usdoj.gov>; Totaro, Martin V. (CIV) <Martin.V.Totaro@usdoj.gov> **Subject:** RE: OSHA - CA6 Ben, Thanks for the email. We plan to get back to you later this week. Best, Brian Brian Springer Attorney, Civil Division, Appellate Staff U.S. Department of Justice (202) 616-5446 **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Friday, January 14, 2022 11:03 AM **To:** Springer, Brian J. (CIV) <Brian.J.Springer@usdoj.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** [EXTERNAL] OSHA - CA6 Brian, Does the United States intend to continue defending the Vaccine Mandate? Sincerely, Ben Flowers Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

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Sender Name	Benjamin Flowers
Sender Email	Benjamin.Flowers@OhioAGO.gov
Subject	OSHA Vax Mandate withdrawn
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:50:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:50:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:50:25.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://public-inspection.federalregister.gov/2022-01532.pdf OSHA is withdrawing the Mandate. It is still taking comments on the ETS as a proposed final rule. I'm tempted to file a short motion asking the Sixth Circuit to vacate its stay-stage decision. Let me know if you have thoughts or concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
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Record 68

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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:50:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:50:25.000 AM
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Record 69

Sender Name	Beth Klusmann
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Recipients	cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon@alaska.gov, nicholas.bronni@ arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@arkansasag.gov, Henry.Whitaker @myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffrey.DeSousa@myfloridalegal.com , Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBergethon@LAW.GA.GOV, DWaldbeser@L AW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, julia.payne@atg.in.gov, jeff.ch anay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murrille@ag.louisiana.gov, StJohnJ @ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@a go.ms.gov, john.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, Christian.Corrigan@mt.gov, Bren t.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Daniel.E.Will@doj.nh.gov , Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benja min.flowers@ohioattorneygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@ scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, A ndree.Blumstein@ag.tn.gov, Sarah.Campbell@ag.tn.gov, melissaholyoak@agutah.gov, rcantrell@ agutah.gov, Lindsay.S.See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov, Edmund.LaCour@AlabamaAG.gov
Subject	Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:28:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:28:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:28:40.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Hello all,** **I've attached a draft States amicus brief in support of Arizona's motion to dismiss in its most recent voting litigation concerning two laws: (1) requiring missing signatures on mail-in ballots to be provided by election day; and (2) removing voters from the early voting list such that they no longer automatically receive mail-in ballots if they don't vote for two cycles and fail to respond when asked if they wish to remain on the list. Plaintiffs have not brought a section 2 results claim, but only a discriminatory-purpose claim and an undue-burden claim. Our amicus brief focuses on the purpose claim and highlights the need for adequate allegations of invidious purpose, the presumption of legislative good faith, and the discovery burdens that await if the motion to dismiss is denied.** **We'd like to file this on Friday, so please let me know if you'd like to join by noon (CT) on Friday, January 21. Thank you!** **Beth** **Beth Klusmann** **Assistant Solicitor General** **Office: (512) 936-1914** **Cell: (469) 585-7590**
CC	Judd.Stone@oag.texas.gov, Drew.Ensign@azag.gov, Beau.Roysden@azag.gov
Attachments	AmicusBr_Circulate[15706].pdf

Record 70

Sender Name	Beth Klusmann
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CC	Judd.Stone@oag.texas.gov, Drew.Ensign@azag.gov, Beau.Roysden@azag.gov
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Sender Name	Beth Klusmann
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Recipients	cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon@alaska.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@arkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffrey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBergethon@LAW.GA.GOV, DWaldbeser@LAW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, julia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murrille@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorneygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn.gov, Sarah.Campbell@ag.tn.gov, melissaholyoak@agutah.gov, rcantrell@agutah.gov, Lindsay.S.See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov, Edmund.LaCour@AlabamaAG.gov, aferguson@oag.state.va.us
Subject	RE: Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:02:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:02:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:02:41.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Happy Friday everyone. We've decided to push our amicus filing until next week Tuesday to give everyone more time to join. So please let us know if you'd like to join by **Tuesday, January 25 at noon.** To recap the brief – voting-rights plaintiffs shouldn't be allowed to take insufficient section 2 results allegations and just claim "discriminatory purpose" in order to survive a motion to dismiss. We'd like to make a strong showing in support of Arizona on this one, so let me know if you have any questions or concerns about the brief. Thanks! Beth **From:** Beth Klusmann **Sent:** Tuesday, January 18, 2022 11:29 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; SPetrany@LAW.GA.GOV; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Christian.Corrigan@mt.gov; Brent.Mead2@mt.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; ESmith@scag.gov; ThomasHydrick@scag.gov; HKirkland@scag.gov; BCook@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; sarah.campbell@ag.tn.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; james.kaste@wyo.gov; ryan.schelhaas@wyo.gov; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov> **Cc:** Judd Stone <Judd.Stone@oag.texas.gov>; Drew.Ensign@azag.gov; Beau.Roysden@azag.gov **Subject:** Draft States Amicus Brief - Mi Familia Vota v. Hobbs Hello all, I've attached a draft States amicus brief in support of Arizona's motion to dismiss in its most recent voting litigation concerning two laws: (1) requiring missing signatures on mail-in ballots to be provided by election day; and (2) removing voters from the early voting list such that they no longer automatically receive mail-in ballots if they don't vote for two cycles and fail to respond when asked if they wish to remain on the list. Plaintiffs have not brought a section 2 results claim, but only a discriminatory-purpose claim and an undue-burden claim. Our amicus brief focuses on the purpose claim and highlights the need for adequate allegations of invidious purpose, the presumption of legislative good faith, and the discovery burdens that await if the motion to dismiss is denied. We'd like to file this on Friday, so please let me know if you'd like to join by **noon (CT) on Friday, January 21.** Thank you! Beth Beth Klusmann Assistant Solicitor General Office: (512) 936-1914 Cell: (469) 585-7590
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Attachments	AmicusBr_Circulate[16103].pdf

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Sender Name	Beth Klusmann
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Recipients	cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon@alaska.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@arkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffrey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBergethon@LAW.GA.GOV, DWaldbeser@LAW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, julia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murrille@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorneygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn.gov, Sarah.Campbell@ag.tn.gov, melissaholyoak@agutah.gov, rcantrell@agutah.gov, Lindsay.S.See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov, Edmund.LaCour@AlabamaAG.gov, aferguson@oag.state.va.us

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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:02:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:02:41.000 AM
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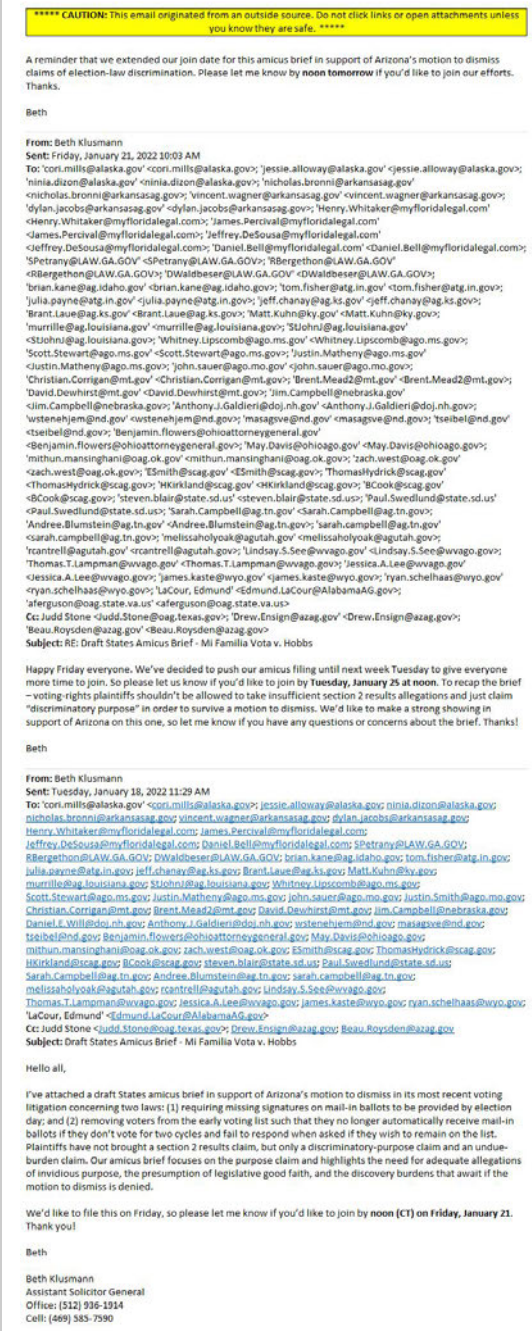
Body	
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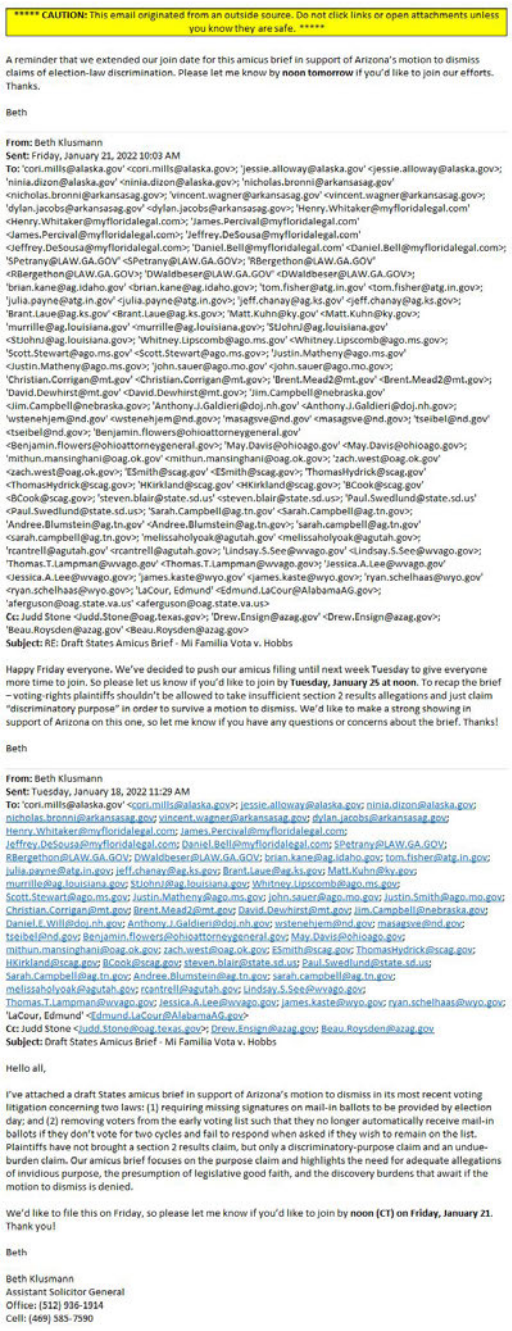
Body	
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From: Beth Klusmann
Sent: Tuesday, January 18, 2022 11:29 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; SPetrany@LAW.GA.GOV; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Christian.Corrigan@mt.gov; Brent.Mead2@mt.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; ESmith@scag.gov; ThomasHydrick@scag.gov; HKirkland@scag.gov; BCook@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; sarah.campbell@ag.tn.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; james.kaste@wyo.gov; ryan.schelhaas@wyo.gov; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>
Cc: Judd Stone <Judd.Stone@oag.texas.gov>; Drew.Ensign@azag.gov; Beau.Roysden@azag.gov
Subject: Draft States Amicus Brief - Mi Familia Vota v. Hobbs

Hello all,

I've attached a draft States amicus brief in support of Arizona's motion to dismiss in its most recent voting litigation concerning two laws: (1) requiring missing signatures on mail-in ballots to be provided by election day; and (2) removing voters from the early voting list such that they no longer automatically receive mail-in ballots if they don't vote for two cycles and fail to respond when asked if they wish to remain on the list. Plaintiffs have not brought a section 2 results claim, but only a discriminatory-purpose claim and an undue-burden claim. Our amicus brief focuses on the purpose claim and highlights the need for adequate allegations of invidious purpose, the presumption of legislative good faith, and the discovery burdens that await if the motion to dismiss is denied.

We'd like to file this on Friday, so please let me know if you'd like to join by **noon (CT) on Friday, January 21.** Thank you!

Beth

Beth Klusmann
Assistant Solicitor General
Office: (512) 936-1914
Cell: (469) 585-7590

Record 75

Sender Name	Hicks, Bruce E.
Sender Email	bhicks@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:25:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:25:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:25:21.000 PM

Body	Atty General, I'm available all morning tomorrow and all day Wednesday. Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 2:15 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** Visit Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 76

Sender Name	Hicks, Bruce E.
Sender Email	bhicks@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:25:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:25:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:25:21.000 PM
Body	Atty General, I'm available all morning tomorrow and all day Wednesday. Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 2:15 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** Visit Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 77

Sender Name	Hicks, Bruce E.
Sender Email	bhicks@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:53:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:53:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:53:53.000 PM

Body	I'll be there—any documents I should review or bring with me? Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 3:46 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** RE: Visit How about Wednesday am at 9? My office Wayne **From:** Hicks, Bruce E. <bhicks@nd.gov> **Sent:** Monday, January 10, 2022 3:25 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Visit Atty General, I'm available all morning tomorrow and all day Wednesday. Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 2:15 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** Visit Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 78

Sender Name	Hicks, Bruce E.
Sender Email	bhicks@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:53:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:53:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:53:53.000 PM
Body	I'll be there—any documents I should review or bring with me? Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 3:46 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** RE: Visit How about Wednesday am at 9? My office Wayne **From:** Hicks, Bruce E. <bhicks@nd.gov> **Sent:** Monday, January 10, 2022 3:25 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Visit Atty General, I'm available all morning tomorrow and all day Wednesday. Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 2:15 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** Visit Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 79

Sender Name	Demello Rice, Britta K.

Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	OMG WAYNE!!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:26:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:26:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:26:57.000 PM
Body	The scotcheroos are just to die for!! Please hug the baker. She is the best! Thank you for sharing. Britta K. Demello Rice Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 80

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	OMG WAYNE!!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:26:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:26:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:26:57.000 PM
Body	The scotcheroos are just to die for!! Please hug the baker. She is the best! Thank you for sharing. Britta K. Demello Rice Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 81

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:33:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:33:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:33:32.000 AM
Body	KX News Live Stream | KX NEWS (kxnet.com) Britta K. Demello Rice Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 82

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:33:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:33:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:33:32.000 AM
Body	KX News Live Stream | KX NEWS (kxnet.com) Britta K. Demello Rice Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 83

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:49:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:49:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:49:39.000 AM
Body	Count I – Life without possibility of parole Count II – same (consecutive to Count I) Count III – same (consecutive to Count I & II) Count IV - same (consecutive to Counts I - III) Count V – 10 years straight Count VI – 5 years straight Count VII – 360 days straight Britta K. Demello Rice Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 9:40 AM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** Re: Isaak sentencing - live Thanks. Connection is slow, so keep me posted. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 9:33:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Isaak sentencing - live KX News Live Stream | KX NEWS (kxnet.com) Britta K. Demello Rice Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 84

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:49:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:49:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:49:39.000 AM
Body	Count I – Life without possibility of parole Count II – same (consecutive to Count I) Count III – same (consecutive to Count I & II) Count IV - same (consecutive to Counts I - III) Count V – 10 years straight Count VI – 5 years straight Count VII – 360 days straight *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 9:40 AM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** Re: Isaak sentencing - live Thanks. Connection is slow, so keep me posted. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 9:33:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Isaak sentencing - live KX News Live Stream | KX NEWS (kxnet.com) *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 85

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: [EXTERNAL]RE: Where do you all have firearm toolmark work sent to?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 4:20:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 4:20:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 4:20:18.000 PM

Body	FYI – I anticipate you'll be asked questions about the lab based upon the email chain I've seen today among the prosecutors group. *Britta K. Demello Rice* Assistant Attorney General Special Prosecutions Unit 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Fritz Fremgen <ffremgen@stutsmancounty.gov> **Sent:** Tuesday, January 11, 2022 3:58 PM **To:** Stephenie Davis <sdavis@dunncountynd.org>; Frey, Joshua E. <jfrey@nd.gov>; 'Nathan Madden' <NathanM@co.williams.nd.us>; 'Prosecutors' <prosecutors@ndaco.org> **Cc:** 'Nathan Madden' <NathanM@co.williams.nd.us> **Subject:** RE: [EXTERNAL]RE: Where do you all have firearm toolmark work sent to? ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** The A.G. is headlining the NDSAA conference. He knows insufficient resources cause all of us consternation. I'm always surprised at how well Wayne Stenehjem (sure now that he's retiring, I can finally spell his name first try) can calm down a room full of prosecutors and explain, *we know we have a problem with x, and here's what we are doing to try to address it.* Rosalie Etherington, Superintendent of the ND St. Hospital, is also coming to the conference on Wednesday the 20th and I would imagine she will address funding limitations too. Remember, she was told to cut her budget by 9 million last session. Ask questions, we'll get some answers. But I wouldn't expect satisfaction https://www.youtube.com/watch?v=jadvt7CbH1o And by the way, is our fearless leader Aaron Birst handing ED of NDSAA to someone else? Fritz **From:** Stephenie Davis <sdavis@dunncountynd.org> **Sent:** Tuesday, January 11, 2022 3:37 PM **To:** 'Frey, Joshua E.' <jfrey@nd.gov>; 'Nathan Madden' <NathanM@co.williams.nd.us>; 'Prosecutors' <prosecutors@ndaco.org> **Cc:** 'Nathan Madden' <NathanM@co.williams.nd.us> **Subject:** [EXTERNAL]RE: Where do you all have firearm toolmark work sent to? CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If in doubt, contact the IT department. My guess is because they are tired of picking up our slack when there is no reason our state lab cannot be provided with the necessary funds to have adequate staffing & equipment. Bang head here. **From:** Frey, Joshua E. <jfrey@nd.gov> **Sent:** Tuesday, January 11, 2022 2:31 PM **To:** Nathan Madden <NathanM@co.williams.nd.us>; 'Prosecutors' <prosecutors@ndaco.org> **Cc:** Nathan Madden <NathanM@co.williams.nd.us> **Subject:** Re: Where do you all have firearm toolmark work sent to? Does anybody know why South Dakota won't work with us anymore? I don't believe I have ever heard the reasoning. Thanks! Joshua Frey McHenry County State's Attorney Towner County State's Attorney **From:** Nathan Madden <NathanM@co.williams.nd.us> **Sent:** Tuesday, January 11, 2022 3:07:09 PM **To:** 'Prosecutors' <prosecutors@ndaco.org> **Cc:** Nathan Madden <NathanM@co.williams.nd.us> **Subject:** Where do you all have firearm toolmark work sent to? ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** With the MOU between NDSL and SDSL long dead, what are you all doing to get firearm analysis done? **Nathan Kirke Madden** Assistant State's Attorney Williams County P.O. Box 2047 Williston, ND 58802-2047 (701) – 577 - 4577
Attachments	15901.docx

Record 86

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: [EXTERNAL]RE: Where do you all have firearm toolmark work sent to?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 4:20:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 4:20:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 4:20:18.000 PM

Body	FYI – I anticipate you'll be asked questions about the lab based upon the email chain I've seen today among the prosecutors group. *Britta K. Demello Rice* Assistant Attorney General Special Prosecutions Unit 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Fritz Fremgen <ffremgen@stutsmancounty.gov> **Sent:** Tuesday, January 11, 2022 3:58 PM **To:** Stephenie Davis <sdavis@dunncountynd.org>; Frey, Joshua E. <jfrey@nd.gov>; 'Nathan Madden' <NathanM@co.williams.nd.us>; 'Prosecutors' <prosecutors@ndaco.org> **Cc:** 'Nathan Madden' <NathanM@co.williams.nd.us> **Subject:** RE: [EXTERNAL]RE: Where do you all have firearm toolmark work sent to? ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** The A.G. is headlining the NDSAA conference. He knows insufficient resources cause all of us consternation. I'm always surprised at how well Wayne Stenehjem (sure now that he's retiring, I can finally spell his name first try) can calm down a room full of prosecutors and explain, *we know we have a problem with x, and here's what we are doing to try to address it.* Rosalie Etherington, Superintendent of the ND St. Hospital, is also coming to the conference on Wednesday the 20th and I would imagine she will address funding limitations too. Remember, she was told to cut her budget by 9 million last session. Ask questions, we'll get some answers. But I wouldn't expect satisfaction https://www.youtube.com/watch?v=jadvt7CbH1o And by the way, is our fearless leader Aaron Birst handing ED of NDSAA to someone else? Fritz **From:** Stephenie Davis <sdavis@dunncountynd.org> **Sent:** Tuesday, January 11, 2022 3:37 PM **To:** 'Frey, Joshua E.' <jfrey@nd.gov>; 'Nathan Madden' <NathanM@co.williams.nd.us>; 'Prosecutors' <prosecutors@ndaco.org> **Cc:** 'Nathan Madden' <NathanM@co.williams.nd.us> **Subject:** [EXTERNAL]RE: Where do you all have firearm toolmark work sent to? CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If in doubt, contact the IT department. My guess is because they are tired of picking up our slack when there is no reason our state lab cannot be provided with the necessary funds to have adequate staffing & equipment. Bang head here. **From:** Frey, Joshua E. <jfrey@nd.gov> **Sent:** Tuesday, January 11, 2022 2:31 PM **To:** Nathan Madden <NathanM@co.williams.nd.us>; 'Prosecutors' <prosecutors@ndaco.org> **Cc:** Nathan Madden <NathanM@co.williams.nd.us> **Subject:** Re: Where do you all have firearm toolmark work sent to? Does anybody know why South Dakota won't work with us anymore? I don't believe I have ever heard the reasoning. Thanks! Joshua Frey McHenry County State's Attorney Towner County State's Attorney **From:** Nathan Madden <NathanM@co.williams.nd.us> **Sent:** Tuesday, January 11, 2022 3:07:09 PM **To:** 'Prosecutors' <prosecutors@ndaco.org> **Cc:** Nathan Madden <NathanM@co.williams.nd.us> **Subject:** Where do you all have firearm toolmark work sent to? ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** With the MOU between NDSL and SDSL long dead, what are you all doing to get firearm analysis done? **Nathan Kirke Madden** Assistant State's Attorney Williams County P.O. Box 2047 Williston, ND 58802-2047 (701) – 577 - 4577
Attachments	12536.docx

Record 87

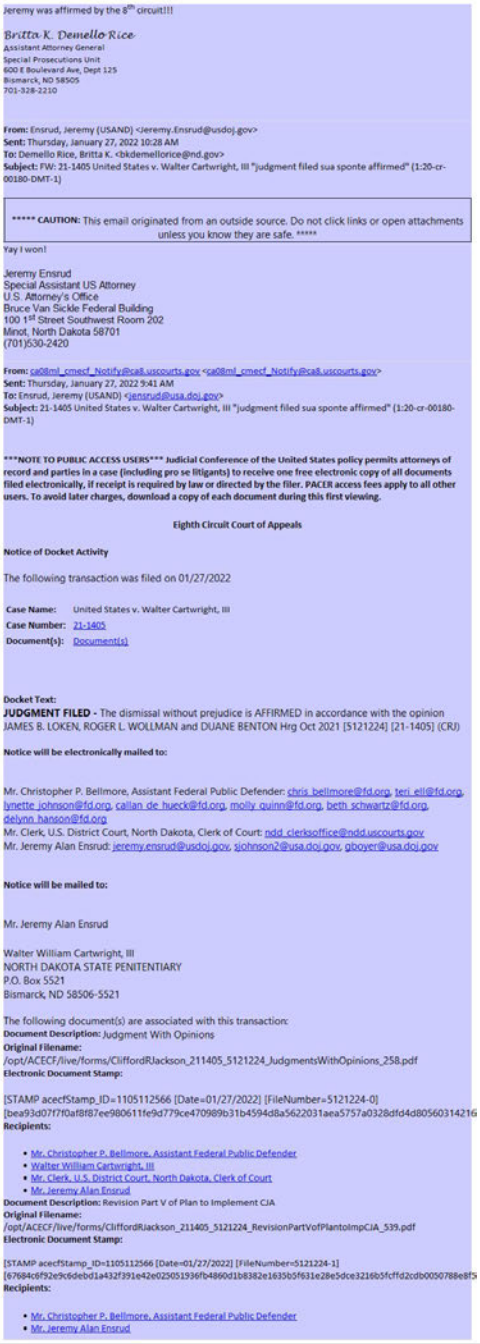
Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:06:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:06:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:06:32.000 PM

Body	FYI. *Britta K. Demello Rice* Assistant Attorney General Special Prosecutions Unit 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov> **Sent:** Friday, January 21, 2022 9:03 AM **To:** 'FirstRVB@gmail.com' <FirstRVB@gmail.com>; Dillon, Kelly A. <kadillon@nd.gov> **Cc:** VandeStreek, Tristan J. <tvandestreek@ndcourts.gov> **Subject:** Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** From: Office of the Clerk Supreme Court of North Dakota Attached is the opinion filed today in this matter. You will receive a copy of the Supreme Court judgment which will address the taxing of costs and disbursements on appeal if any are awarded. A petition for rehearing may be filed within fourteen days from entry of opinion and judgment, during which time the mandate of the Court will be stayed. Petitions for rehearing should conform to the provisions of N.D.R.App.P. 40.
CC	lbrocker@nd.gov
Attachments	20210128_op[15848].pdf

Record 88

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:06:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:06:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:06:32.000 PM
Body	FYI. *Britta K. Demello Rice* Assistant Attorney General Special Prosecutions Unit 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov> **Sent:** Friday, January 21, 2022 9:03 AM **To:** 'FirstRVB@gmail.com' <FirstRVB@gmail.com>; Dillon, Kelly A. <kadillon@nd.gov> **Cc:** VandeStreek, Tristan J. <tvandestreek@ndcourts.gov> **Subject:** Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** From: Office of the Clerk Supreme Court of North Dakota Attached is the opinion filed today in this matter. You will receive a copy of the Supreme Court judgment which will address the taxing of costs and disbursements on appeal if any are awarded. A petition for rehearing may be filed within fourteen days from entry of opinion and judgment, during which time the mandate of the Court will be stayed. Petitions for rehearing should conform to the provisions of N.D.R.App.P. 40.
CC	lbrocker@nd.gov
Attachments	20210128_op[12485].pdf

Record 89

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: 21-1405 United States v. Walter Cartwright, III "judgment filed sua sponte affirmed" (1:20-cr-00180-DMT-1)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:38:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:38:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:38:49.000 AM
Body	

Jeremy was affirmed by the 8th circuit!!!

Britta K. Demello Rice
Assistant Attorney General
Special Prosecutions Unit
600 E Boulevard Ave, Dept 125
Bismarck, ND 58505
701-328-2210

From: Ensrud, Jeremy (USAND) <Jeremy.Ensrud@usdoj.gov>
Sent: Thursday, January 27, 2022 10:28 AM
To: Demello Rice, Britta K. <bkdemellorice@nd.gov>
Subject: FW: 21-1405 United States v. Walter Cartwright, III "judgment filed sua sponte affirmed" (1:20-cr-00180-DMT-1)

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Yay I won!

Jeremy Ensrud
Special Assistant US Attorney
U.S. Attorney's Office
Bruce Van Sickle Federal Building
100 1st Street Southwest Room 202
Minot, North Dakota 58701
(701)530-2420

From: ca08ml_cmecf_Notify@ca8.uscourts.gov <ca08ml_cmecf_Notify@ca8.uscourts.gov>
Sent: Thursday, January 27, 2022 9:41 AM
To: Ensrud, Jeremy (USAND) <jensrud@usa.doj.gov>
Subject: 21-1405 United States v. Walter Cartwright, III "judgment filed sua sponte affirmed" (1:20-cr-00180-DMT-1)

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

Eighth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was filed on 01/27/2022

Case Name: United States v. Walter Cartwright, III
Case Number: 21-1405
Document(s): Document(s)

Docket Text:
JUDGMENT FILED - The dismissal without prejudice is AFFIRMED in accordance with the opinion JAMES B. LOKEN, ROGER L. WOLLMAN and DUANE BENTON Hrg Oct 2021 [5121224] [21-1405] (CRJ)

Notice will be electronically mailed to:

Mr. Christopher P. Bellmore, Assistant Federal Public Defender: chris_bellmore@fd.org, teri_ell@fd.org, lynette_johnson@fd.org, callan_de_huecK@fd.org, molly_quinn@fd.org, beth_schwartz@fd.org, delynn_hanson@fd.org
Mr. Clerk, U.S. District Court, North Dakota, Clerk of Court: ndd_clerksoffice@ndd.uscourts.gov
Mr. Jeremy Alan Ensrud: jeremy.ensrud@usdoj.gov, sjohnson2@usa.doj.gov, gboyer@usa.doj.gov

Notice will be mailed to:

Mr. Jeremy Alan Ensrud

Walter William Cartwright, III
NORTH DAKOTA STATE PENITENTIARY
P.O. Box 5521
Bismarck, ND 58506-5521

The following document(s) are associated with this transaction:
Document Description: Judgment With Opinions
Original Filename:
/opt/ACECF/live/forms/CliffordRJackson_211405_5121224_JudgmentsWithOpinions_258.pdf
Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=01/27/2022] [FileNumber=5121224-0] [bea93d07f7f0af8f87ee980611fe9d779ce470989b31b4594d8a5622031aea5757a0328dfd4d80560314216
Recipients:

- Mr. Christopher P. Bellmore, Assistant Federal Public Defender
- Walter William Cartwright, III
- Mr. Clerk, U.S. District Court, North Dakota, Clerk of Court
- Mr. Jeremy Alan Ensrud

Document Description: Revision Part V of Plan to Implement CJA
Original Filename:
/opt/ACECF/live/forms/CliffordRJackson_211405_5121224_RevisionPartVofPlantoImpCJA_539.pdf
Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=01/27/2022] [FileNumber=5121224-1] [67684c6f92e9c6debd1a432f391e42e025051936fb4860d1b8382e1635b5f631e28e5dce3216b5fcffd2cdb0050788e8f5
Recipients:

- Mr. Christopher P. Bellmore, Assistant Federal Public Defender
- Mr. Jeremy Alan Ensrud

Record 90

Sender Name	Demello Rice, Britta K.
Sender Email	bkdemellorice@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov

Subject	FW: 21-1405 United States v. Walter Cartwright, III "judgment filed sua sponte affirmed" (1:20-cr-00180-DMT-1)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:38:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:38:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:38:49.000 AM
Body	Jeremy was affirmed by the 8th circuit!!! *Britta K. Demello Rice* Assistant Attorney General Special Prosecutions Unit 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Ensrud, Jeremy (USAND) <Jeremy.Ensrud@usdoj.gov> **Sent:** Thursday, January 27, 2022 10:28 AM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** FW: 21-1405 United States v. Walter Cartwright, III "judgment filed sua sponte affirmed" (1:20-cr-00180-DMT-1) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Yay I won! Jeremy Ensrud Special Assistant US Attorney U.S. Attorney's Office Bruce Van Sickle Federal Building 100 1st Street Southwest Room 202 Minot, North Dakota 58701 (701)530-2420 **From:** ca08ml_cmecf_Notify@ca8.uscourts.gov <ca08ml_cmecf_Notify@ca8.uscourts.gov> **Sent:** Thursday, January 27, 2022 9:41 AM **To:** Ensrud, Jeremy (USAND) <jensrud@usa.doj.gov> **Subject:** 21-1405 United States v. Walter Cartwright, III "judgment filed sua sponte affirmed" (1:20-cr-00180-DMT-1) *****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.** **Eighth Circuit Court of Appeals** **Notice of Docket Activity** The following transaction was filed on 01/27/2022 **Case Name:** United States v. Walter Cartwright, III **Case Number:** 21-1405 **Document(s):** Document(s) **Docket Text:** **JUDGMENT FILED -** The dismissal without prejudice is AFFIRMED in accordance with the opinion JAMES B. LOKEN, ROGER L. WOLLMAN and DUANE BENTON Hrg Oct 2021 [5121224] [21-1405] (CRJ) **Notice will be electronically mailed to:** Mr. Christopher P. Bellmore, Assistant Federal Public Defender: chris_bellmore@fd.org, teri_ell@fd.org, lynette_johnson@fd.org, callan_de_hueck@fd.org, molly_quinn@fd.org, beth_schwartz@fd.org, delynn_hanson@fd.org Mr. Clerk, U.S. District Court, North Dakota, Clerk of Court: ndd_clerksoffice@ndd.uscourts.gov Mr. Jeremy Alan Ensrud: jeremy.ensrud@usdoj.gov, sjohnson2@usa.doj.gov, gboyer@usa.doj.gov **Notice will be mailed to:** Mr. Jeremy Alan Ensrud Walter William Cartwright, III NORTH DAKOTA STATE PENITENTIARY P.O. Box 5521 Bismarck, ND 58506-5521 The following document(s) are associated with this transaction: **Document Description:** Judgment With Opinions **Original Filename:** /opt/ACECF/live/forms/CliffordRJackson_211405_5121224_JudgmentsWithOpinions_258.pdf **Electronic Document Stamp:** [STAMP acecfStamp_ID=1105112566 [Date=01/27/2022] [FileNumber=5121224-0] [bea93d07f7f0af8f87ee980611fe9d779ce470989b31b4594d8a5622031aea5757a0328dfd4d80560314216 **Recipients:** • Mr. Christopher P. Bellmore, Assistant Federal Public Defender • Walter William Cartwright, III • Mr. Clerk, U.S. District Court, North Dakota, Clerk of Court • Mr. Jeremy Alan Ensrud **Document Description:** Revision Part V of Plan to Implement CJA **Original Filename:** /opt/ACECF/live/forms/CliffordRJackson_211405_5121224_RevisionPartVofPlantoImpCJA_539.pdf **Electronic Document Stamp:** [STAMP acecfStamp_ID=1105112566 [Date=01/27/2022] [FileNumber=5121224-1] [67684c6f92e9c6debd1a432f391e42e025051936fb4860d1b8382e1635b5f631e28e5dce3216b5fcffd2cdb0050788e8f5 **Recipients:** • Mr. Christopher P. Bellmore, Assistant Federal Public Defender • Mr. Jeremy Alan Ensrud

Record 91

Sender Name	Leingang, Ben
Sender Email	bleingang@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Meeting Forward Notification: K9 demonstration
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:37:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:37:17.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:37:19.000 PM
Body	**Your meeting was forwarded** Leingang, Ben has forwarded your meeting request to additional recipients.

Record 92

Sender Name	Leingang, Ben
Sender Email	bleingang@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Meeting Forward Notification: K9 demonstration
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:37:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:37:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:37:19.000 PM
Body	**Your meeting was forwarded** Leingang, Ben has forwarded your meeting request to additional recipients.

Record 93

Sender Name	Satrom, Bernie L.
Sender Email	blsatrom@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Idea
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:04:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:04:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:04:06.000 PM
Body	There has been a little accusation of policing for profit in our civil asset forfeiture. Some states are using it for indigent defense. Any thoughts? Bernie Rep. Bernie Satrom

Record 94

Sender Name	Satrom, Bernie L.
Sender Email	blsatrom@nd.gov
Subject	Idea
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:04:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:04:06.000 PM

Record 95

Sender Name	Brent Webster
Sender Email	Brent.Webster@oag.texas.gov
Recipients	Brent.Webster@oag.texas.gov
Subject	Invitation to visit the Border with General Paxton and other AG's/Press in January
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 12:33:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 12:33:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 12:33:34.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorneys General and Senior Staff, Attorney General Ken Paxton would like to invite Attorneys General to an AG Border Summit at the Texas border from around noon on Thursday, January 27 through noon/mid-afternoon on Friday, January 28. **The Summit will feature media hosted by Maria Bartiromo with Fox, presentations by federal, state, and local law enforcement, a tour and survey of the border wall, a Texas Department of Public Safety boat tour of the Rio Grande, and a press conference with speaking opportunities for each of the AGs**. Details, schedule, event locations, etc., are all forthcoming. But before we put all that together, we wanted to get a soft commitment from you and your AGs. For security reasons due to the fact that this email is subject to open records laws, I am not putting the destination city in this email. If you are interested in attending, AGs or senior staff can call me on my personal cell at 512-736-9962 over the holidays and I can provide the city, airport and lodging information directly. This is sure to be a big hit for all of us. Please reply all to this email and let me know by Wednesday, December 29 whether you are interested in attending. In the meantime, reach out for questions on the cell phone listed above. Thanks! Best, Brent Webster **Brent Webster** First Assistant Attorney General of Texas Office of the Attorney General of Texas Executive Assistant Evonne Heredia: Evonne.heredia@oag.texas.gov Work Cell: 512-815-6835
CC	Evonne.Heredia@oag.texas.gov, Aaron.Reitz@oag.texas.gov
Attachments	image001[14935].png

Record 96

Sender Name	Brent Webster
Sender Email	Brent.Webster@oag.texas.gov
Recipients	Brent.Webster@oag.texas.gov
Subject	Invitation to visit the Border with General Paxton and other AG's/Press in January
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 12:33:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 12:33:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 12:33:34.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorneys General and Senior Staff, Attorney General Ken Paxton would like to invite Attorneys General to an AG Border Summit at the Texas border from around noon on Thursday, January 27 through noon/mid-afternoon on Friday, January 28. **The Summit will feature media hosted by Maria Bartiromo with Fox, presentations by federal, state, and local law enforcement, a tour and survey of the border wall, a Texas Department of Public Safety boat tour of the Rio Grande, and a press conference with speaking opportunities for each of the AGs.** Details, schedule, event locations, etc., are all forthcoming. But before we put all that together, we wanted to get a soft commitment from you and your AGs. For security reasons due to the fact that this email is subject to open records laws, I am not putting the destination city in this email. If you are interested in attending, AGs or senior staff can call me on my personal cell at 512-736-9962 over the holidays and I can provide the city, airport and lodging information directly. This is sure to be a big hit for all of us. Please reply all to this email and let me know by Wednesday, December 29 whether you are interested in attending. In the meantime, reach out for questions on the cell phone listed above. Thanks! Best, Brent Webster **Brent Webster** First Assistant Attorney General of Texas Office of the Attorney General of Texas Executive Assistant Evonne Heredia: Evonne.heredia@oag.texas.gov Work Cell: 512-815-6835
CC	Evonne.Heredia@oag.texas.gov, Aaron.Reitz@oag.texas.gov
Attachments	image001[11488].png

Record 97

Sender Name	Burdick, Birch
Sender Email	BurdickB@casscountynd.gov
Recipients	wstenehjem@nd.gov
Subject	Retirement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:22:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:21:59.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:22:07.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: Given that I made a similar announcement in mid-November, I now welcome you to the Retirement-At-All-Deliberate-Speed Club. It reminds me a bit of the OJ Simpson pursuit in the white Bronco – low speed … but without the coincident homicides, heartache and 95 million viewers. You have provided decades of public service and deserve the thanks of the people you represented in Grand Forks and throughout North Dakota. Enjoy the next 12 months … sort of a *victory lap* … and all that comes thereafter. ~Birch Birch P. Burdick Cass County State's Attorney 211 9th Street S. P.O. Box 2806 Fargo, ND 58108-2806 (701) 241-5850 Notice regarding electronic service of documents: I do not accept e-service of documents at this individual e-mail address. If you are e-serving a document upon anyone in the State's Attorney's Office, please use the office e-mail address: sa-defense-notices@casscountynd.gov.
Attachments	20211220110203992[15963].pdf

Record 98

Sender Name	Burdick, Birch
Sender Email	BurdickB@casscountynd.gov
Recipients	wstenehjem@nd.gov
Subject	Retirement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:22:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:21:59.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:22:07.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: Given that I made a similar announcement in mid-November, I now welcome you to the Retirement-At-All-Deliberate-Speed Club. It reminds me a bit of the OJ Simpson pursuit in the white Bronco – low speed … but without the coincident homicides, heartache and 95 million viewers. You have provided decades of public service and deserve the thanks of the people you represented in Grand Forks and throughout North Dakota. Enjoy the next 12 months … sort of a *victory lap* … and all that comes thereafter. ~Birch Birch P. Burdick Cass County State's Attorney 211 9th Street S. P.O. Box 2806 Fargo, ND 58108-2806 (701) 241-5850 Notice regarding electronic service of documents: I do not accept e-service of documents at this individual e-mail address. If you are e-serving a document upon anyone in the State's Attorney's Office, please use the office e-mail address: sa-defense-notices@casscountynd.gov.
Attachments	20211220110203992[12605].pdf

Record 99

Sender Name	Jones, Chris D.
Sender Email	cdjones@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Video
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:17:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:17:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:17:33.000 AM
Body	Thank you for meeting yesterday. Here is the link of my testimony https://video.legis.nd.gov/en/PowerBrowser/PowerBrowserV2/20220111/-1/23719 Watch just from 9:17 to 9:34 Please let me know if you have questions. Thanks Chris Jones *Executive Director* 701.328.2538 (w) • cdjones@nd.gov • www.nd.gov/dhs ----------Confidentiality Statement---------- This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.
CC	rweisz@nd.gov
Attachments	image001[15754].png

Record 100

Sender Name	Jones, Chris D.
Sender Email	cdjones@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Video
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:17:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:17:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:17:33.000 AM
Body	Thank you for meeting yesterday. Here is the link of my testimony https://video.legis.nd.gov/en/PowerBrowser/PowerBrowserV2/20220111/-1/23719 Watch just from 9:17 to 9:34 Please let me know if you have questions. Thanks Chris Jones *Executive Director* 701.328.2538 (w) • cdjones@nd.gov • www.nd.gov/dhs ----------Confidentiality Statement---------- This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.
CC	rweisz@nd.gov
Attachments	image001[12394].png

Record 101

Sender Name	Friedman, Clayton
Sender Email	CFriedman@crowell.com
Recipients	wstenehjem@nd.gov
Subject	Ireland follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:05:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:04:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:05:02.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General This Clay Friedman. I hope this finds you well. As you will recall, we spoke a couple of times (most recently in Ireland) about our firm's client, Accreditation Council For Medical Affairs ("ACMA"), which is a medical affairs educational training and certification program. ACMA has also developed opioid education programs for adults and teenagers in order to assist with community education, abatement, and outreach. ACMA can give these programs to any community groups (students, the healthcare industry, private sector businesses, government agencies, etc.) about the harms of opioids and to help curb the opioid crisis through education and prevention. As we preliminarily discussed, ACMA is interested in scheduling a brief meeting (30-45 minutes) with you and/or your opioid team to meet the ACMA and its CEO and founder, William Soliman, to discuss ways the ACMA may be able to assist the state with community opioid education. Please let me know who would be best to follow-up with. Best C **Clayton Friedman** CFriedman@crowell.com Direct: +1.949.798.1316 | Mobile: +1.949.500.7479 **Crowell & Moring LLP** | www.crowell.com 3 Park Plaza, 20th Floor, Irvine, CA 92614 **Read Our State AG Blog:** State AG Blog
CC	CFriedman@crowell.com

Record 102

Sender Name	Friedman, Clayton
Sender Email	CFriedman@crowell.com
Recipients	wstenehjem@nd.gov
Subject	Ireland follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:05:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:04:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:05:02.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General This Clay Friedman. I hope this finds you well. As you will recall, we spoke a couple of times (most recently in Ireland) about our firm's client, Accreditation Council For Medical Affairs ("ACMA"), which is a medical affairs educational training and certification program. ACMA has also developed opioid education programs for adults and teenagers in order to assist with community education, abatement, and outreach. ACMA can give these programs to any community groups (students, the healthcare industry, private sector businesses, government agencies, etc.) about the harms of opioids and to help curb the opioid crisis through education and prevention. As we preliminarily discussed, ACMA is interested in scheduling a brief meeting (30-45 minutes) with you and/or your opioid team to meet the ACMA and its CEO and founder, William Soliman, to discuss ways the ACMA may be able to assist the state with community opioid education. Please let me know who would be best to follow-up with. Best C **Clayton Friedman** CFriedman@crowell.com Direct: +1.949.798.1316 | Mobile: +1.949.500.7479 **Crowell & Moring LLP** | www.crowell.com 3 Park Plaza, 20th Floor, Irvine, CA 92614 **Read Our State AG Blog:** State AG Blog

CC	CFriedman@crowell.com

Record 103

Sender Name	Pieske, Christopher S.
Sender Email	chpieske@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:00:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:00:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:00:20.000 PM
Body	I should receive the revised declaration from Mayville State President Van Horn today after 5:00. I will forward it once I receive it. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	dschaibley@nd.gov

Record 104

Sender Name	Pieske, Christopher S.
Sender Email	chpieske@nd.gov

Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:00:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:00:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:00:20.000 PM
Body	I should receive the revised declaration from Mayville State President Van Horn today after 5:00. I will forward it once I receive it. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	dschaibley@nd.gov

Record 105

Sender Name	Pieske, Christopher S.
Sender Email	chpieske@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:11:33.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:11:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:11:33.000 PM
Body	Good afternoon, Attached please find a declaration from Jessi Hegg, Director of Mayville State University's Head Start Child Development Program. Please let me know if you'd like to discuss further. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 16, 2021 4:07 PM **To:** Pieske, Christopher S. <chpieske@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Schaibley, David J. <dschaibley@nd.gov> **Subject:** Re: Head Start Thank you. I'll look forward to seeing it. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Pieske, Christopher S. <chpieske@nd.gov> **Sent:** Thursday, December 16, 2021 4:00:18 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Schaibley, David J. <dschaibley@nd.gov> **Subject:** RE: Head Start I should receive the revised declaration from Mayville State President Van Horn today after 5:00. I will forward it once I receive it. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
Attachments	15986.docx

Record 106

Sender Name	Pieske, Christopher S.
Sender Email	chpieske@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:11:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:11:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:11:33.000 PM

Body	Good afternoon, Attached please find a declaration from Jessi Hegg, Director of Mayville State University's Head Start Child Development Program. Please let me know if you'd like to discuss further. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 16, 2021 4:07 PM **To:** Pieske, Christopher S. <chpieske@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Schaibley, David J. <dschaibley@nd.gov> **Subject:** Re: Head Start Thank you. I'll look forward to seeing it. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Pieske, Christopher S. <chpieske@nd.gov> **Sent:** Thursday, December 16, 2021 4:00:18 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Schaibley, David J. <dschaibley@nd.gov> **Subject:** RE: Head Start I should receive the revised declaration from Mayville State President Van Horn today after 5:00. I will forward it once I receive it. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
Attachments	12628.docx

Record 107

Sender Name	Christopher Kalash
Sender Email	chris+ndchamber.com@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	January GNDC Events & Information
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:09:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:09:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:09:35.000 AM

Body

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GNDC
Greater North Dakota Chamber

JANUARY EVENTS & INFORMATION

HAPPY NEW YEAR!

Every month, GNDC provides opportunities to our membership, the business community of North Dakota, to utilize membership benefits and network. We provide events, webinars, and publications that report on issues directly impacting your organization.

As you prepare for the coming year, we want to provide you with a list of sponsorship opportunities to engage with GNDC members.

Sponsorship benefits will:

- Strengthen your brand among a statewide audience of decision-makers
- Promote your organization's products and services to garner new leads and interest
- Spotlight recognition from our team

Depending on your investment level you also have the opportunity to:

- Address our audience
- Obtain the contact list for event attendees
- Impress your logo at events, on our website, within our publications

We can build custom packages to fit needs and budgets, depending on your campaign goals and monetary restraints.

Contact me at 701.222.0929 or via email at chris@ndchamber.com.
Don't know where to get started or have questions? Let's chat. We want solutions to further your success!

Looking forward to a great 2022!

Chris Kalash
Director of Membership Services

Promotion Options

- Sponsor events
  - Options include either in-person or webinars
  - See the 2022 Calendar of Events
  - Flagship events include: Policy Summit, Transportation Forum, Infrastructure Week
- Advertise in our publications
  - "Daily" enews, *Dakota Digest*
  - Our quarterly magazine, *Report on Business*

Custom packages are available.

GNDC Greater North Dakota Chamber MFG Virtual Meeting Premier Sponsor cte

State Training Programs	Upcoming Dates
January 13	May 19: Getting Goods to Market August 11: Preparing for MFG Day November 3: Controlling Business Costs

Body	**MFG VIRTUAL MEETING: State Training Programs** **January 13 | 10 AM** **Webinar** This session will look at training programs that are available to train or upskill workforce. Speakers will discuss "off the shelf" offerings as well as how to collaborate to create custom trainings for your operation. **SPEAKERS:** · Bismarck State College: Bruce Emmil · North Dakota State College of Science: Steve Johnson · TrainND, Center for Career and Technical Education: Wayde Sick Register to receive log-in information. **INDUSTRY OUTLOOK: Real Estate** **February 8 | 10 AM** **Webinar** – More information and/or register Our Industry Outlook Series offers a "behind the scenes" look at specific industries that are impactful to our state's GDP and success. Each session will provide attendees with a guided SWOT analysis conversation among those working day-in and out in the specific arena. **UPCOMING CALENDAR ITEMS** **January 13:** MFG Virtual Series - State Training Programs **February 8:** Industry Outlook Webinar Series - Real Estate **March 23:** CEO Roundtable: Pharmaceuticals **April 12:** Industry Outlook Webinar Series - Tourism **Our audience includes:** · CEOs and other c-suite leadership · Business owners · Management · ND Legislators and elected officials · ND Congressional teams · Cabinet leaders · Decision-makers 2022 Printable GNDC Event Calendar (PDF) Contact Chris at chris@ndchamber.com. â€Œ â€Œ Greater North Dakota Chamber PO Box 2639 Bismarck, ND 58502-2639 Unsubscribe wstenehjem@nd.gov Update Profile | Constant Contact Data Notice Sent by chris@ndchamber.com powered by Constant Contact Try email marketing for free today!

Record 108

Sender Name	Christopher Kalash
Sender Email	chris+ndchamber.com@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	January GNDC Events & Information
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:09:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:09:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:09:35.000 AM

Body

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Record 109

Sender Name	Thacker, Christopher L (KYOAG)
Sender Email	christopher.thacker@ky.gov
Subject	Proposed OSHA ETS Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:03:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:03:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:03:36.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Just by way of advance notice, it appears that OSHA does not intend to withdraw the COVID ETS and is still accepting comments on the ETS until January 19. Moreover, OSHA has previously indicated that the "ETS also acts as a proposal for a permanent standard." Thus, unless the ETS is withdrawn before then, Kentucky plans to proceed with submitting a comment letter in opposition to the ETS (and any similar permanent standard) next Wednesday. We are in the process of revising the draft comment letter to incorporate reference to yesterday's Supreme Court opinion, and will circulate that new draft by Monday to invite any other AG's who would like to join the comment letter to do so Best, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
CC	May.Mailman@OhioAGO.gov, John.Rockenbach@OhioAGO.gov, Mathura.Sridharan@OhioAGO.gov, Jonat han.Blanton@OhioAGO.gov, jeremy.sylvester@ky.gov, Carmine.Iaccarino@ky.gov, victor.maddox@ ky.gov, Barry.Dunn@ky.gov, Corrine.Youngs@atg.in.gov, andree.blumstein@ag.tn.gov, anthony. j.galdieri@doj.nh.gov, benjamin.flowers@ohioattorneygeneral.gov, bcook@scag.gov, brian.kan e@ag.idaho.gov, bryan.cleveland@oag.ok.gov, dave.bydalek@nebraska.gov, elacour@ago.state.a l.us, Tom.Fisher@atg.in.gov, John.Sauer@ago.mo.gov, Justin.Matheny@ago.ms.gov, Justin.Smit h@ago.mo.gov, kevin.higgins@alaska.gov, lindsay.s.see@wvago.gov, melissaholyoak@agutah.gov , paul.swedlund@state.sd.us, Julia.Payne@atg.in.gov, ryan.schelhaas@wyo.gov, Scott.Stewart @ago.ms.gov, thomashydrick@scag.gov, thomas.t.lampman@wvago.gov, tjohnson@law.ga.gov, whit ney.lipscomb@ago.ms.gov, zach.west@oag.ok.gov

Record 110

Sender Name	Thacker, Christopher L (KYOAG)
Sender Email	christopher.thacker@ky.gov
Subject	Proposed OSHA ETS Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:03:36.000 AM
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CC	May.Mailman@OhioAGO.gov, John.Rockenbach@OhioAGO.gov, Mathura.Sridharan@OhioAGO.gov, Jonat han.Blanton@OhioAGO.gov, jeremy.sylvester@ky.gov, Carmine.Iaccarino@ky.gov, victor.maddox@ ky.gov, Barry.Dunn@ky.gov, Corrine.Youngs@atg.in.gov, andree.blumstein@ag.tn.gov, anthony. j.galdieri@doj.nh.gov, benjamin.flowers@ohioattorneygeneral.gov, bcook@scag.gov, brian.kan e@ag.idaho.gov, bryan.cleveland@oag.ok.gov, dave.bydalek@nebraska.gov, elacour@ago.state.a l.us, Tom.Fisher@atg.in.gov, John.Sauer@ago.mo.gov, Justin.Matheny@ago.ms.gov, Justin.Smit h@ago.mo.gov, kevin.higgins@alaska.gov, lindsay.s.see@wvago.gov, melissaholyoak@agutah.gov , paul.swedlund@state.sd.us, Julia.Payne@atg.in.gov, ryan.schelhaas@wyo.gov, Scott.Stewart @ago.ms.gov, thomashydrick@scag.gov, thomas.t.lampman@wvago.gov, tjohnson@law.ga.gov, whit ney.lipscomb@ago.ms.gov, zach.west@oag.ok.gov

Record 111

Sender Name	Thacker, Christopher L (KYOAG)
Sender Email	christopher.thacker@ky.gov
Subject	RE: Proposed OSHA ETS Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 2:01:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 2:01:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 2:01:19.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Following-up on the email below, please find our draft comment letter in opposition to the OSHA ETS. Comments are due on Wednesday. Please advise if you would like to sign on by noon (12:00 EST) on Wednesday, and provide a copy of your AG's signature block for inclusion. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) **Sent:** Friday, January 14, 2022 11:03 AM **To:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. 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Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Mathura Sridharan <Mathura.Sridharan@OhioAGO.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Corrine Youngs <<Corrine.Youngs@atg.in.gov>>; Andree Blumstein <andree.blumstein@ag.tn.gov>; Anthony Galderi (anthony.j.galdieri@doj.nh.gov) <anthony.j.galdieri@doj.nh.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook <bcook@scag.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Dave Bydalek <dave.bydalek@nebraska.gov>; Eddie LaCour <elacour@ago.state.al.us>; Fisher, Tom <Tom.Fisher@atg.in.gov>; John Sauer <John.Sauer@ago.mo.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See <lindsay.s.see@wvago.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Paul Swedlund <paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Thomas Hydrick <thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson <tjohnson@law.ga.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West <zach.west@oag.ok.gov> **Subject:** Proposed OSHA ETS Comment Letter All, Just by way of advance notice, it appears that OSHA does not intend to withdraw the COVID ETS and is still accepting comments on the ETS until January 19. 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Attachments	15876.docx

Record 112

Sender Name	Thacker, Christopher L (KYOAG)
Sender Email	christopher.thacker@ky.gov
Subject	RE: Proposed OSHA ETS Comment Letter

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 2:01:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 2:01:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 2:01:19.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Following-up on the email below, please find our draft comment letter in opposition to the OSHA ETS. Comments are due on Wednesday. Please advise if you would like to sign on by noon (12:00 EST) on Wednesday, and provide a copy of your AG's signature block for inclusion. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. 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Attachments	12513.docx

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Subject	RE: Proposed OSHA ETS Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:39:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:39:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:39:26.000 PM
Body	

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All,
Attached is a slightly updated version of the OSHA ETS comment letter. Several minor edits are reflected in redline—none material. At this point we have received sign-ons from Alabama, Arkansas, Georgia, Kansas, Montana, Nebraska, Oklahoma, South Carolina, and West Virginia. Unless I hear otherwise, I will assume that those that have already signed-on are fine with the edits reflected in the attached.

If anyone else would like to sign-on, please let me know by 12:00 (noon) EST tomorrow, Wednesday, January 19.

Thank you,

Christopher L. Thacker | Assistant Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601 | (502) 696-5570
Christopher.Thacker@ky.gov

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Following-up on the email below, please find our draft comment letter in opposition to the OSHA ETS. Comments are due on Wednesday. Please advise if you would like to sign on by noon (12:00 EST) on Wednesday, and provide a copy of your AG's signature block for

Body	inclusion. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) **Sent:** Friday, January 14, 2022 11:03 AM **To:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <Judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. 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Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Mathura Sridharan <Mathura.Sridharan@OhioAGO.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Corrine Youngs <<Corrine.Youngs@atg.in.gov>>; Andree Blumstein <andree.blumstein@ag.tn.gov>; Anthony Galderi (anthony.j.galdieri@doj.nh.gov) <anthony.j.galdieri@doj.nh.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook <bcook@scag.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Dave Bydaleck <dave.bydalek@nebraska.gov>; Eddie LaCour <elacour@ago.state.al.us>; Fisher, Tom <Tom.Fisher@atg.in.gov>; John Sauer <John.Sauer@ago.mo.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See <lindsay.s.see@wvago.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Paul Swedlund <paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Thomas Hydrick <thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson <tjohnson@law.ga.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West <zach.west@oag.ok.gov> **Subject:** Proposed OSHA ETS Comment Letter All, Just by way of advance notice, it appears that OSHA does not intend to withdraw the COVID ETS and is still accepting comments on the ETS until January 19. Moreover, OSHA has previously indicated that the "ETS also acts as a proposal for a permanent standard." Thus, unless the ETS is withdrawn before then, Kentucky plans to proceed with submitting a comment letter in opposition to the ETS (and any similar permanent standard) next Wednesday. We are in the process of revising the draft comment letter to incorporate reference to yesterday's Supreme Court opinion, and will circulate that new draft by Monday to invite any other AG's who would like to join the comment letter to do so Best, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
CC	May.Mailman@OhioAGO.gov, John.Rockenbach@OhioAGO.gov, Mathura.Sridharan@OhioAGO.gov, Jonat han.Blanton@OhioAGO.gov, jeremy.sylvester@ky.gov, Carmine.Iaccarino@ky.gov, victor.maddox@ ky.gov, Barry.Dunn@ky.gov, andree.blumstein@ag.tn.gov, anthony.j.galdieri@doj.nh.gov, benj amin.flowers@ohioattorneygeneral.gov, bcook@scag.gov, brian.kane@ag.idaho.gov, bryan.cleve land@oag.ok.gov, dave.bydalek@nebraska.gov, elacour@ago.state.al.us, Tom.Fisher@atg.in.gov , John.Sauer@ago.mo.gov, Justin.Matheny@ago.ms.gov, Justin.Smith@ago.mo.gov, kevin.higgins @alaska.gov, lindsay.s.see@wvago.gov, melissaholyoak@agutah.gov, paul.swedlund@state.sd.us , Julia.Payne@atg.in.gov, ryan.schelhaas@wyo.gov, Scott.Stewart@ago.ms.gov, thomashydrick@ scag.gov, thomas.t.lampman@wvago.gov, tjohnson@law.ga.gov, whitney.lipscomb@ago.ms.gov, za ch.west@oag.ok.gov, Corrine.Youngs@atg.in.gov
Attachments	15863.docx

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Sender Name	Thacker, Christopher L (KYOAG)
Sender Email	christopher.thacker@ky.gov
Subject	RE: Proposed OSHA ETS Comment Letter

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:39:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:39:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:39:26.000 PM
Body	

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All,
Attached is a slightly updated version of the OSHA ETS comment letter. Several minor edits are reflected in redline—none material. At this point we have received sign-ons from Alabama, Arkansas, Georgia, Kansas, Montana, Nebraska, Oklahoma, South Carolina, and West Virginia. Unless I hear otherwise, I will assume that those that have already signed-on are fine with the edits reflected in the attached.

If anyone else would like to sign-on, please let me know by 12:00 (noon) EST tomorrow, Wednesday, January 19.

Thank you,

Christopher L. Thacker | Assistant Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601 | (502) 696-5570
Christopher.Thacker@ky.gov

From: Thacker, Christopher L (KYOAG)
Sent: Monday, January 17, 2022 3:01 PM
To: 'Joshua Richardson' <Joshua.Richardson@OhioAGO.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
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Subject: RE: Proposed OSHA ETS Comment Letter

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Moreover, OSHA has previously indicated that the "ETS also acts as a proposal for a permanent standard." Thus, unless the ETS is withdrawn before then, Kentucky plans to proceed with submitting a comment letter in opposition to the ETS (and any similar permanent standard) next Wednesday. We are in the process of revising the draft comment letter to incorporate reference to yesterday's Supreme Court opinion, and will circulate that new draft by Monday to invite any other AG's who would like to join the comment letter to do so Best, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
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Attachments	12500.docx

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Sender Name	Thacker, Christopher L (KYOAG)
Sender Email	christopher.thacker@ky.gov
Subject	OSHA ETS Comment Letter

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:28:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:28:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:28:22.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Attached again is the comment letter which Kentucky will submit today in opposition to the OSHA ETS or any similar permanent standard. At this point we have received sign-ons from Alabama, Alaska, Arkansas, Arizona, Georgia, Idaho, Florida, Kansas, Mississippi, Montana, Nebraska, Ohio, Oklahoma, North Dakota, South Carolina, and West Virginia, for a total of 17 states. We had a total of 26 states sign-on to the comment letter we submitted earlier this month on the CMS mandate, and given the Secretary's decision not to withdraw the OSHA ETS even after the recent Supreme Court ruling, we would like to have similar showing on this comment letter. The comment letter is due TODAY. Accordingly, we would ask that **if anyone else would like to sign-on, please let me know by 2:00 pm EST TODAY, Wednesday, January 19**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
CC	May.Mailman@OhioAGO.gov, John.Rockenbach@OhioAGO.gov, Mathura.Sridharan@OhioAGO.gov, Jonat han.Blanton@OhioAGO.gov, jeremy.sylvester@ky.gov, Carmine.Iaccarino@ky.gov, victor.maddox@ ky.gov, Barry.Dunn@ky.gov, andree.blumstein@ag.tn.gov, anthony.j.galdieri@doj.nh.gov, benj amin.flowers@ohioattorneygeneral.gov, bcook@scag.gov, brian.kane@ag.idaho.gov, bryan.cleve land@oag.ok.gov, dave.bydalek@nebraska.gov, elacour@ago.state.al.us, Tom.Fisher@atg.in.gov , John.Sauer@ago.mo.gov, Justin.Matheny@ago.ms.gov, Justin.Smith@ago.mo.gov, kevin.higgins @alaska.gov, lindsay.s.see@wvago.gov, melissaholyoak@agutah.gov, paul.swedlund@state.sd.us , Julia.Payne@atg.in.gov, ryan.schelhaas@wyo.gov, Scott.Stewart@ago.ms.gov, thomashydrick@ scag.gov, thomas.t.lampman@wvago.gov, tjohnson@law.ga.gov, whitney.lipscomb@ago.ms.gov, za ch.west@oag.ok.gov, Corrine.Youngs@atg.in.gov, StilesB@ag.louisiana.gov, MurrillE@ag.louis iana.gov, Kimi.White@ag.idaho.gov, Lori.Torres@atg.in.gov, Jeff.Chanay@ag.ks.gov, John.Cog hlan@ago.ms.gov, anthony.j.galdieri@doj.nh.gov, David.McVey@state.sd.us, Brandon.Smith@ag. tn.gov, Grant.Dorfman@oag.texas.gov, melissaholyoak@agutah.gov, ryan.schelhaas@wyo.gov, af erguson@oag.state.va.us
Attachments	15861.docx

Record 116

Sender Name	Thacker, Christopher L (KYOAG)
Sender Email	christopher.thacker@ky.gov
Subject	OSHA ETS Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:28:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:28:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:28:22.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Attached again is the comment letter which Kentucky will submit today in opposition to the OSHA ETS or any similar permanent standard. At this point we have received sign-ons from Alabama, Alaska, Arkansas, Arizona, Georgia, Idaho, Florida, Kansas, Mississippi, Montana, Nebraska, Ohio, Oklahoma, North Dakota, South Carolina, and West Virginia, for a total of 17 states. We had a total of 26 states sign-on to the comment letter we submitted earlier this month on the CMS mandate, and given the Secretary's decision not to withdraw the OSHA ETS even after the recent Supreme Court ruling, we would like to have similar showing on this comment letter. The comment letter is due TODAY. Accordingly, we would ask that **if anyone else would like to sign-on, please let me know by 2:00 pm EST TODAY, Wednesday, January 19**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
CC	May.Mailman@OhioAGO.gov, John.Rockenbach@OhioAGO.gov, Mathura.Sridharan@OhioAGO.gov, Jonat han.Blanton@OhioAGO.gov, jeremy.sylvester@ky.gov, Carmine.Iaccarino@ky.gov, victor.maddox@ ky.gov, Barry.Dunn@ky.gov, andree.blumstein@ag.tn.gov, anthony.j.galdieri@doj.nh.gov, benj amin.flowers@ohioattorneygeneral.gov, bcook@scag.gov, brian.kane@ag.idaho.gov, bryan.cleve land@oag.ok.gov, dave.bydalek@nebraska.gov, elacour@ago.state.al.us, Tom.Fisher@atg.in.gov , John.Sauer@ago.mo.gov, Justin.Matheny@ago.ms.gov, Justin.Smith@ago.mo.gov, kevin.higgins @alaska.gov, lindsay.s.see@wvago.gov, melissaholyoak@agutah.gov, paul.swedlund@state.sd.us , Julia.Payne@atg.in.gov, ryan.schelhaas@wyo.gov, Scott.Stewart@ago.ms.gov, thomashydrick@ scag.gov, thomas.t.lampman@wvago.gov, tjohnson@law.ga.gov, whitney.lipscomb@ago.ms.gov, za ch.west@oag.ok.gov, Corrine.Youngs@atg.in.gov, StilesB@ag.louisiana.gov, MurrillE@ag.louis iana.gov, Kimi.White@ag.idaho.gov, Lori.Torres@atg.in.gov, Jeff.Chanay@ag.ks.gov, John.Cog hlan@ago.ms.gov, anthony.j.galdieri@doj.nh.gov, David.McVey@state.sd.us, Brandon.Smith@ag. tn.gov, Grant.Dorfman@oag.texas.gov, melissaholyoak@agutah.gov, ryan.schelhaas@wyo.gov, af erguson@oag.state.va.us
Attachments	12498.docx

Record 117

Sender Name	CM-ECFMail_OKND@oknd.uscourts.gov
Sender Email	CM-ECFMail_OKND@oknd.uscourts.gov
Recipients	Courtmail@oknd.uscourts.gov
Subject	Important message from OKND
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:00:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:56:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:00:30.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an announcement e-mail message generated by Court action through the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** On January 27, 2022 The United States District Court for the Northern District of Oklahoma entered General Order 22-05 In re: Court Operations During the COVID-19 Pandemic. Please visit https://www.oknd.uscourts.gov/court-info/local-rules-and-orders/oknd-general-orders to review the order in its entirety.

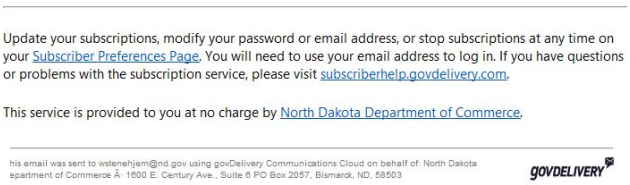
Record 118

Sender Name	North Dakota Department of Commerce
Sender Email	commerce@info.nd.gov
Recipients	wstenehjem@nd.gov
Subject	Commerce News | Jan. 26
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:32:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:32:13.000 PM
Body	

Jamestown Tourism executive director chosen for Above and Beyond Award

Body	

Body	

Body	

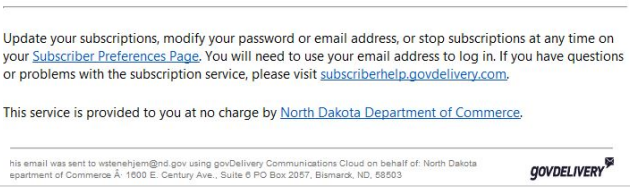
Record 119

Sender Name	North Dakota Department of Commerce
Sender Email	commerce@info.nd.gov
Recipients	wstenehjem@nd.gov
Subject	Commerce News | Jan. 26
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:32:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:30:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:32:13.000 PM

Body	**Jamestown Tourism executive director chosen for Above and Beyond Award**

Body	

Body	

Body	

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your Subscriber Preferences Page. You will need to use your email address to log in. If you have questions or problems with the subscription service, please visit subscriberhelp.govdelivery.com.

This service is provided to you at no charge by North Dakota Department of Commerce.

his email was sent to wstenehjem@nd.gov using govDelivery Communications Cloud on behalf of: North Dakota epartment of Commerce Â· 1600 E. Century Ave., Suite 6 PO Box 2057, Bismarck, ND, 58503

GOVDELIVERY

Record 120

Sender Name	Titus, Courtney R.
Sender Email	ctitus@nd.gov
Recipients	wstenehjem@nd.gov
Subject	ETP Motion to Stay Brief
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 10:34:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 10:34:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 10:34:22.000 PM

Body	Attached, please find the draft response brief in the ETP v. NDPISB case. This brief is in response to ETP's motion to certify under 54(b) and seeks a motion to stay pending appeal. Pursuant to the court's order, this brief has to be filed by 12:00 tomorrow (January 10) so there is a short window for review and edits. Thank you, **Courtney R. Titus** Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501-4509 Direct: (701) 328-3644 ctitus@nd.gov **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	lbrocker@nd.gov, ahicks@nd.gov
Attachments	15915.docx

Record 121

Sender Name	Titus, Courtney R.
Sender Email	ctitus@nd.gov
Recipients	wstenehjem@nd.gov
Subject	ETP Motion to Stay Brief
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 10:34:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 10:34:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 10:34:22.000 PM
Body	Attached, please find the draft response brief in the ETP v. NDPISB case. This brief is in response to ETP's motion to certify under 54(b) and seeks a motion to stay pending appeal. Pursuant to the court's order, this brief has to be filed by 12:00 tomorrow (January 10) so there is a short window for review and edits. Thank you, **Courtney R. Titus** Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501-4509 Direct: (701) 328-3644 ctitus@nd.gov **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	lbrocker@nd.gov, ahicks@nd.gov
Attachments	12551.docx

Record 122

Sender Name	Chris Toth
Sender Email	ctoth@naag.org
Recipients	ctoth@naag.org
Subject	Attorney General Wayne Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:39:38.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:38:25.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:39:39.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* Generals, I regret to pass along the news that North Dakota Attorney General Wayne Stenehjem passed away today. NAAG will keep you apprised of arrangements. The press release from the the North Dakota Office of Attorney General is below. V/r, Chris **NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-391-0050* January 28, 2022 **Attorney General Wayne Stenehjem** BISMARCK, ND – It is with the utmost sadness that the Office of Attorney General announces that Attorney General Wayne Stenehjem passed away unexpectedly on Friday January 28, 2022. He was 68. We know Wayne was a widely respected and well- known public figure, but we ask that his family be allowed time to grieve in private. Funeral arrangements are pending with Bismarck Funeral Home, for both public and private services. • Media inquiries - Liz Brocker, 701-391-0050, lbrocker@nd.gov. # ## **Chris Toth** **Executive Director** National Association of Attorneys General 1850 M Street, NW, 12th Floor Washington, DC 20036 202.326.6021 office ctoth@naag.org www.naag.org
CC	alama@naag.org, agilmore@naag.org, ctoth@naag.org, eschechter@naag.org, gpost@naag.org, jmanning@naag.org, mhering@naag.org, rgreenstein@naag.org, theller@naag.org
Attachments	image001[12815].png, image002[12816].png, image003[12817].png

Record 123

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Preliminary Homicide list for 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:12:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:11:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:12:02.000 PM

Body	Here you go! Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!
Attachments	15982.xlsx

Record 124

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Preliminary Homicide list for 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:12:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:11:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:12:02.000 PM
Body	Here you go! Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!
Attachments	12624.xlsx

Record 125

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:34:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:34:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:34:56.000 AM
Body	Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 126

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FYI on Murders 2021

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:34:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:34:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:34:56.000 AM
Body	Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 127

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:48:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:48:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:48:45.000 AM

Body	☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:48 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 "Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 128

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:48:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:48:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:48:45.000 AM

Body	☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:48 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 "Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 129

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:52:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:52:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:52:27.000 AM

Body	It's all good! I knew what you meant☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:49 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Dang autocorrect! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:48:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: FYI on Murders 2021 ☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:48 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 "Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

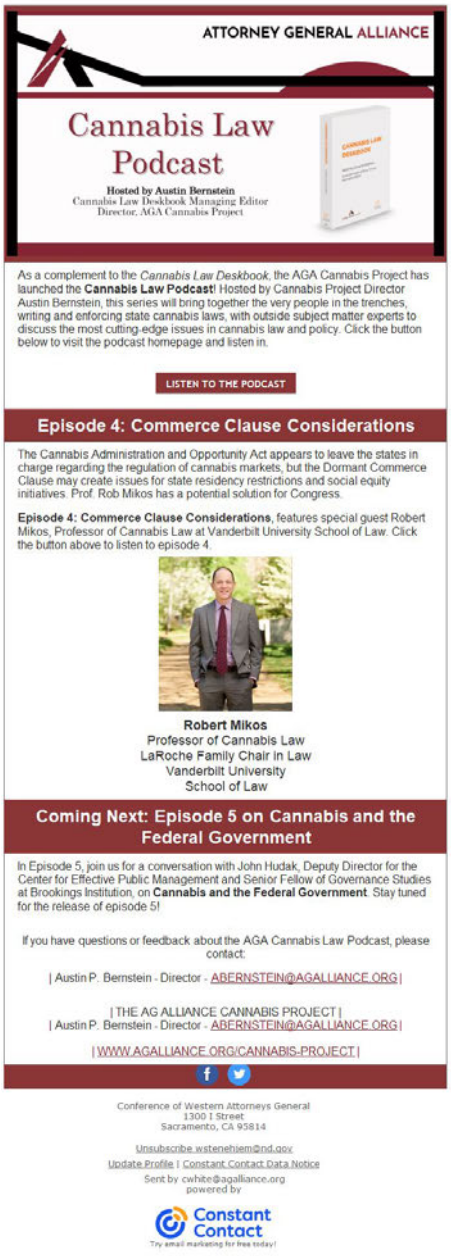
Record 130

Sender Name	Weltz, Colleen A.
Sender Email	cweltz@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:52:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:52:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:52:27.000 AM

Body	It's all good! I knew what you meant☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:49 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Dang autocorrect! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:48:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: FYI on Murders 2021 ☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:48 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 "Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 131

Sender Name	The Attorney General Alliance
Sender Email	cwhite+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:02:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:01:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:02:36.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** 

Record 132

Sender Name	The Attorney General Alliance
Sender Email	cwhite+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:02:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:01:33.000 AM
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Body	

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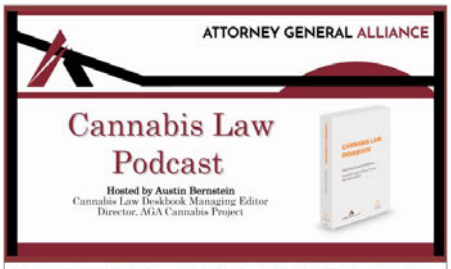

As a complement to the *Cannabis Law Deskbook*, the AGA Cannabis Project has launched the **Cannabis Law Podcast**! Hosted by Cannabis Project Director Austin Bernstein, this series will bring together the very people in the trenches, writing and enforcing state cannabis laws, with outside subject matter experts to discuss the most cutting-edge issues in cannabis law and policy. Click the button below to visit the podcast homepage and listen in.

LISTEN TO THE PODCAST

Episode 4: Commerce Clause Considerations

The Cannabis Administration and Opportunity Act appears to leave the states in charge regarding the regulation of cannabis markets, but the Dormant Commerce Clause may create issues for state residency restrictions and social equity initiatives. Prof. Rob Mikos has a potential solution for Congress.

Episode 4: Commerce Clause Considerations, features special guest Robert Mikos, Professor of Cannabis Law at Vanderbilt University School of Law. Click the button above to listen to episode 4.

Robert Mikos
Professor of Cannabis Law
LaRoche Family Chair in Law
Vanderbilt University
School of Law

Coming Next: Episode 5 on Cannabis and the Federal Government

In Episode 5, join us for a conversation with John Hudak, Deputy Director for the Center for Effective Public Management and Senior Fellow of Governance Studies at Brookings Institution, on **Cannabis and the Federal Government**. Stay tuned for the release of episode 5!

If you have questions or feedback about the AGA Cannabis Law Podcast, please contact:

| Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG |

| THE AG ALLIANCE CANNABIS PROJECT |
| Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG |

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Sender Name	The Attorney General Alliance
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Recipients	wstenehjem@nd.gov
Subject	Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:02:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:02:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:02:35.000 AM

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ATTORNEY GENERAL ALLIANCE

Cannabis Law Podcast

Hosted by Austin Bernstein
Cannabis Law Deskbook Managing Editor
Director, AGA Cannabis Project

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LISTEN TO THE PODCAST

Episode 6: The State of Idaho Attorney General's Office

While discussions of cannabis legalization tend to be distilled into binary decisions - either for or against - the realities of these policies are often far more complex. Regardless of the legal status of Cannabis, these complexities must be analyzed and addressed by the state Attorney General's Office. **Episode 6: The State of Idaho Attorney General's Office**, features special guest Brian Kane, Chief Deputy Attorney General at the Idaho Attorney General's Office. Click the button above to listen to Episode 6.

Brian Kane
Chief Deputy Attorney General
Idaho Attorney General's Office

Coming Next: Episode 7 State Regulator's Association

In Episode 7, join us for a conversation with Dr. Gillian Schauer, Executive Director of the Cannabis Regulators Association. Stay tuned for the release of Episode 7!

If you have questions or feedback about the AGA Cannabis Law Podcast, please contact:

| Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG |

| THE AG ALLIANCE CANNABIS PROJECT |
| Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG |

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Sender Name	The Attorney General Alliance
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Recipients	wstenehjem@nd.gov
Subject	Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:02:35.000 AM
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Hosted by Austin Bernstein
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Director, AGA Cannabis Project

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Chief Deputy Attorney General
Idaho Attorney General's Office

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If you have questions or feedback about the AGA Cannabis Law Podcast, please contact:

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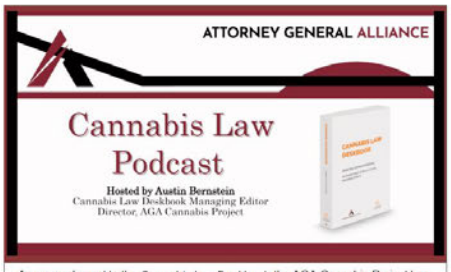
Record 135

Sender Name	The Attorney General Alliance
Sender Email	cwhite+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:03:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:03:40.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:03:51.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  ATTORNEY GENERAL ALLIANCE Cannabis Law Podcast Hosted by Austin Bernstein Cannabis Law Deskbook Managing Editor Director, AGA Cannabis Project As a complement to the *Cannabis Law Deskbook*, the AGA Cannabis Project has launched the **Cannabis Law Podcast**! Hosted by Cannabis Project Director Austin Bernstein, this series will bring together the very people in the trenches, writing and enforcing state cannabis laws, with outside subject matter experts to discuss the most cutting-edge issues in cannabis law and policy. Click the button below to visit the podcast homepage and listen in. LISTEN TO THE PODCAST **Episode 7: Cannabis Regulators Association** Creating a safe and stable marketplace for adult-use, medical, and hemp-derived cannabis products will require standardization across many different dimensions of public health and safety, and that means government actors at all levels coming together to work on policy solutions. **Episode 7: Cannabis Regulators Association**, features special guest Gillian Schauer, Executive Director of the Cannabis Regulators Association. Click the button above to listen to Episode 7. **Gillian Schauer, PhD, MPH** Executive Director Cannabis Regulators Association **Coming Next: Episode 8** In Episode 8, join us for a conversation with Kay Doyle, Director of U.S. Public Policy & Public Affairs at Greenwich Biosciences. Stay tuned for the release of Episode 8! If you have questions or feedback about the AGA Cannabis Law Podcast, please contact: | Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG | | THE AG ALLIANCE CANNABIS PROJECT | | Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG | | WWW.AGALLIANCE.ORG/CANNABIS-PROJECT | CWAG and Attorney General Alliance 5050 Laguna Blvd. Ste. 112-323 Elk Grove, CA 95758 Unsubscribe wstenehjem@nd.gov Update Profile | Constant Contact Data Notice Sent by cwhite@agalliance.org powered by Constant Contact Try email marketing for free today!

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Sender Name	The Attorney General Alliance
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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:03:51.000 AM
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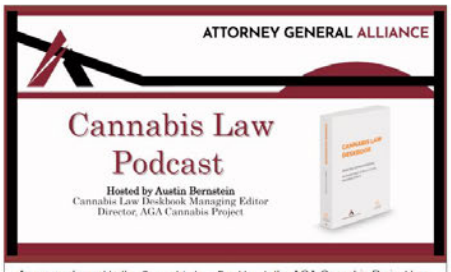
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  As a complement to the *Cannabis Law Deskbook*, the AGA Cannabis Project has launched the **Cannabis Law Podcast**! Hosted by Cannabis Project Director Austin Bernstein, this series will bring together the very people in the trenches, writing and enforcing state cannabis laws, with outside subject matter experts to discuss the most cutting-edge issues in cannabis law and policy. Click the button below to visit the podcast homepage and listen in. LISTEN TO THE PODCAST **Episode 7: Cannabis Regulators Association** Creating a safe and stable marketplace for adult-use, medical, and hemp-derived cannabis products will require standardization across many different dimensions of public health and safety, and that means government actors at all levels coming together to work on policy solutions. **Episode 7: Cannabis Regulators Association**, features special guest Gillian Schauer, Executive Director of the Cannabis Regulators Association. Click the button above to listen to Episode 7. **Gillian Schauer, PhD, MPH** Executive Director Cannabis Regulators Association **Coming Next: Episode 8** In Episode 8, join us for a conversation with Kay Doyle, Director of U.S. Public Policy & Public Affairs at Greenwich Biosciences. Stay tuned for the release of Episode 8! If you have questions or feedback about the AGA Cannabis Law Podcast, please contact: | Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG | | THE AG ALLIANCE CANNABIS PROJECT | | Austin P. Bernstein - Director - ABERNSTEIN@AGALLIANCE.ORG | | WWW.AGALLIANCE.ORG/CANNABIS-PROJECT | CWAG and Attorney General Alliance 5050 Laguna Blvd. Ste. 112-323 Elk Grove, CA 95758 Unsubscribe wstenehjem@nd.gov Update Profile | Constant Contact Data Notice Sent by cwhite@agalliance.org powered by Constant Contact Try email marketing for free today!

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Sender Name	The Attorney General Alliance
Sender Email	cwhite+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:32.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 138

Sender Name	The Attorney General Alliance
Sender Email	cwhite+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:32.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 139

Sender Name	Dan Sachs
Sender Email	dans@fb.com
Recipients	hennigan@fb.com, carlsonlieber@fb.com, ssatterfield@fb.com, TPerrelli@jenner.com, ljs@luth erstrangelaw.com, dmcdaniel@mwbfirm.com, lkalani@cozen.com, PConnell@cozen.com, brian@holl ispublicaffairs.com, dgrafilo@capitoladvocacy.com
Subject	Facebook Presentation on News Feed Ranking
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:09:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:08:14.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:09:33.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi All (AGs included) We have scheduled a presentation for State AG offices on Friday, January 28 from 2-3:30pm Eastern and would like to invite you to join. The presentation will walk you through the fundamentals of how the News Feed ranking process works on Facebook. We will also dig into our recently published Content Distribution Guidelines, a list of the types of content and behaviors that receive reduced distribution on News Feed. Our hope is that the presentation will give you a better understanding of why the content in a person's news feed is ordered the way it is. We have also built in plenty of time for any questions you may have about how we rank content. The presentation will be via Zoom – you will receive a calendar invite following this email with the dial in information. Please let me know if you have any questions. I look forward to the presentation and discussing these important issues in further detail with you and your staff. All the best, Dan -- **Dan Sachs** National Director | State Policy & Community Engagement Meta | Mobile 202-716-2172
Attachments	image001[15783].gif

Record 140

Sender Name	Dan Sachs
Sender Email	dans@fb.com
Subject	Facebook Presentation on News Feed Ranking
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:08:14.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:09:33.000 PM

Record 141

Sender Name	Dan Sachs
Sender Email	dans@fb.com
Recipients	hennigan@fb.com, carlsonlieber@fb.com, TPerrelli@jenner.com, ljs@lutherstrangelaw.com, dmc daniel@mwbfirm.com, lkalani@cozen.com, PConnell@cozen.com, brian@hollispublicaffairs.com, dgrafilo@capitoladvocacy.com
Subject	Re: Facebook Presentation on News Feed Ranking
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 12:02:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 8:17:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 12:02:30.000 PM

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Attachments	image001[16117].gif, image002[16118].gif

Record 142

Sender Name	Dan Sachs
Sender Email	dans@fb.com
Recipients	hennigan@fb.com, carlsonlieber@fb.com, TPerrelli@jenner.com, ljs@lutherstrangelaw.com, dmcdaniel@mwbfirm.com, lkalani@cozen.com, PConnell@cozen.com, brian@hollispublicaffairs.com, dgrafilo@capitoladvocacy.com
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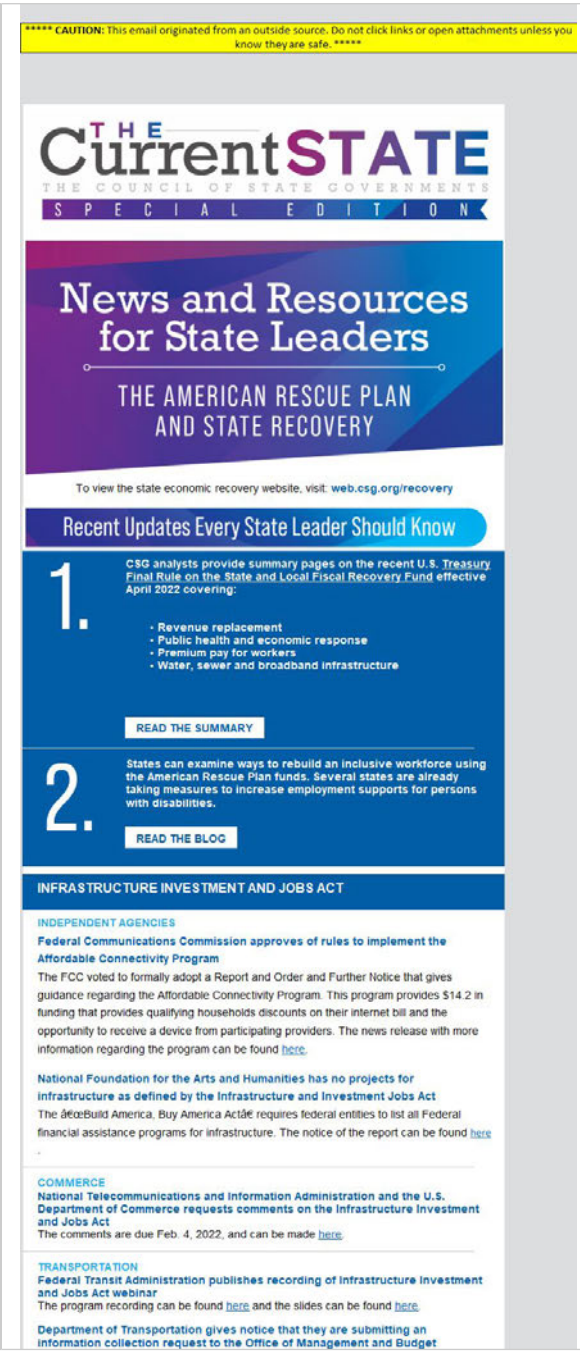
Attachments	image001[12762].gif, image002[12763].gif

Record 143

Sender Name	The Council of State Governments
Sender Email	data+csg.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Treasury Final Rule Analysis + Rebuild an Inclusive Workplace with ARPA Funds
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 4:38:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 4:38:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 4:38:56.000 PM

Body



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THE CurrentSTATE
THE COUNCIL OF STATE GOVERNMENTS
SPECIAL EDITION

News and Resources for State Leaders

THE AMERICAN RESCUE PLAN AND STATE RECOVERY

To view the state economic recovery website, visit: web.csg.org/recovery

Recent Updates Every State Leader Should Know

1. CSG analysts provide summary pages on the recent U.S. Treasury Final Rule on the State and Local Fiscal Recovery Fund effective April 2022 covering:
   - Revenue replacement
   - Public health and economic response
   - Premium pay for workers
   - Water, sewer and broadband infrastructure

   READ THE SUMMARY

2. States can examine ways to rebuild an inclusive workforce using the American Rescue Plan funds. Several states are already taking measures to increase employment supports for persons with disabilities.

   READ THE BLOG

INFRASTRUCTURE INVESTMENT AND JOBS ACT

INDEPENDENT AGENCIES

Federal Communications Commission approves of rules to implement the Affordable Connectivity Program

The FCC voted to formally adopt a Report and Order and Further Notice that gives guidance regarding the Affordable Connectivity Program. This program provides $14.2 in funding that provides qualifying households discounts on their internet bill and the opportunity to receive a device from participating providers. The news release with more information regarding the program can be found here.

National Foundation for the Arts and Humanities has no projects for infrastructure as defined by the Infrastructure and Investment Jobs Act

The â€œBuild America, Buy America Actâ€ requires federal entities to list all Federal financial assistance programs for infrastructure. The notice of the report can be found here

COMMERCE

National Telecommunications and Information Administration and the U.S. Department of Commerce requests comments on the Infrastructure Investment and Jobs Act

The comments are due Feb. 4, 2022, and can be made here.

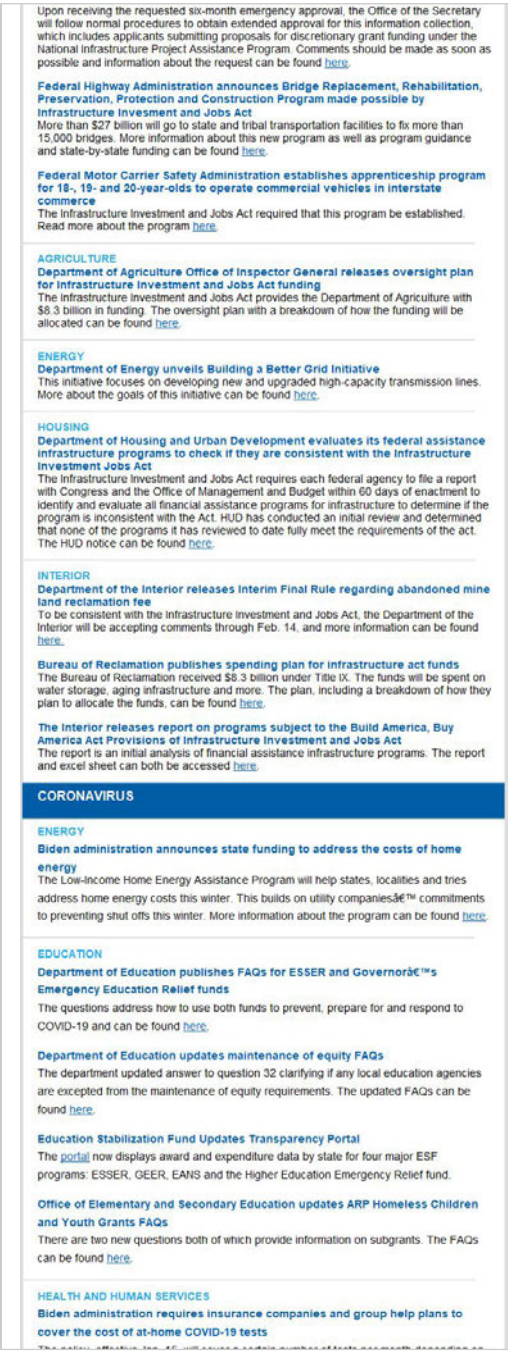
TRANSPORTATION

Federal Transit Administration publishes recording of Infrastructure Investment and Jobs Act webinar

The program recording can be found here and the slides can be found here.

Department of Transportation gives notice that they are submitting an information collection request to the Office of Management and Budget

Body



Upon receiving the requested six-month emergency approval, the Office of the Secretary will follow normal procedures to obtain extended approval for this information collection, which includes applicants submitting proposals for discretionary grant funding under the National Infrastructure Project Assistance Program. Comments should be made as soon as possible and information about the request can be found here.

Federal Highway Administration announces Bridge Replacement, Rehabilitation, Preservation, Protection and Construction Program made possible by Infrastructure Invesment and Jobs Act
More than $27 billion will go to state and tribal transportation facilities to fix more than 15,000 bridges. More information about this new program as well as program guidance and state-by-state funding can be found here.

Federal Motor Carrier Safety Administration establishes apprenticeship program for 18-, 19- and 20-year-olds to operate commercial vehicles in interstate commerce
The Infrastructure Investment and Jobs Act required that this program be established. Read more about the program here.

AGRICULTURE
Department of Agriculture Office of Inspector General releases oversight plan for Infrastructure Investment and Jobs Act funding
The Infrastructure Investment and Jobs Act provides the Department of Agriculture with $8.3 billion in funding. The oversight plan with a breakdown of how the funding will be allocated can be found here.

ENERGY
Department of Energy unveils Building a Better Grid Initiative
This initiative focuses on developing new and upgraded high-capacity transmission lines. More about the goals of this initiative can be found here.

HOUSING
Department of Housing and Urban Development evaluates its federal assistance infrastructure programs to check if they are consistent with the Infrastructure Investment Jobs Act
The Infrastructure Investment and Jobs Act requires each federal agency to file a report with Congress and the Office of Management and Budget within 60 days of enactment to identify and evaluate all financial assistance programs for infrastructure to determine if the program is inconsistent with the Act. HUD has conducted an initial review and determined that none of the programs it has reviewed to date fully meet the requirements of the act. The HUD notice can be found here.

INTERIOR
Department of the Interior releases Interim Final Rule regarding abandoned mine land reclamation fee
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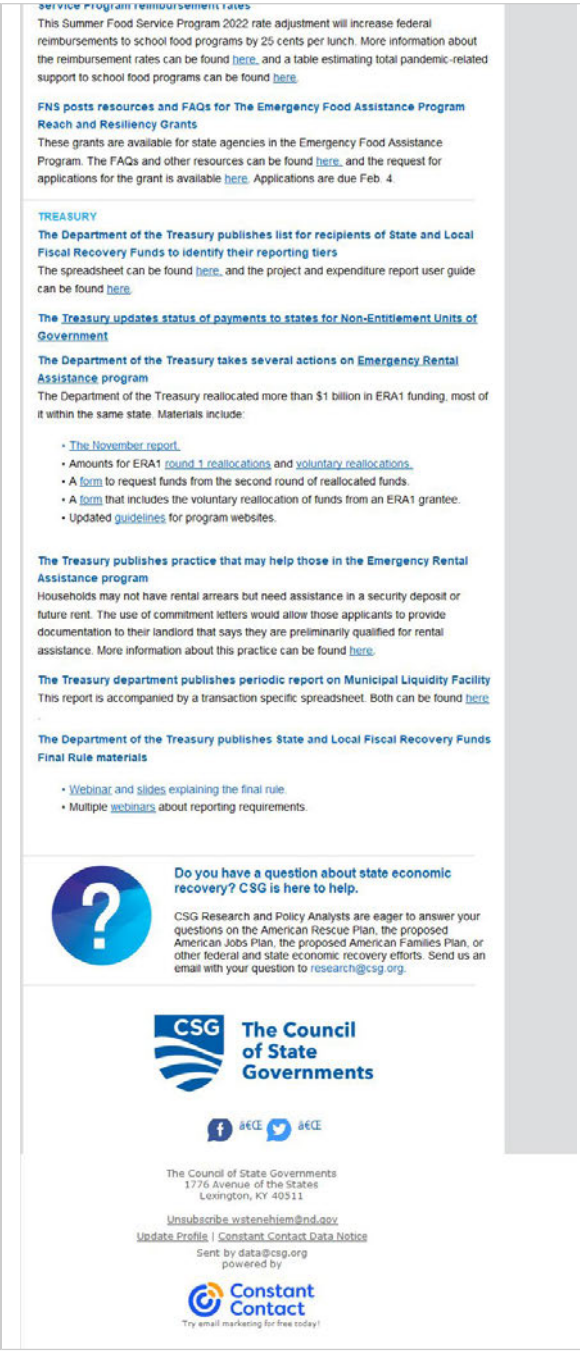
Body	

Record 144

Sender Name	The Council of State Governments
Sender Email	data+csg.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Treasury Final Rule Analysis + Rebuild an Inclusive Workplace with ARPA Funds
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 4:38:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 4:38:35.000 PM
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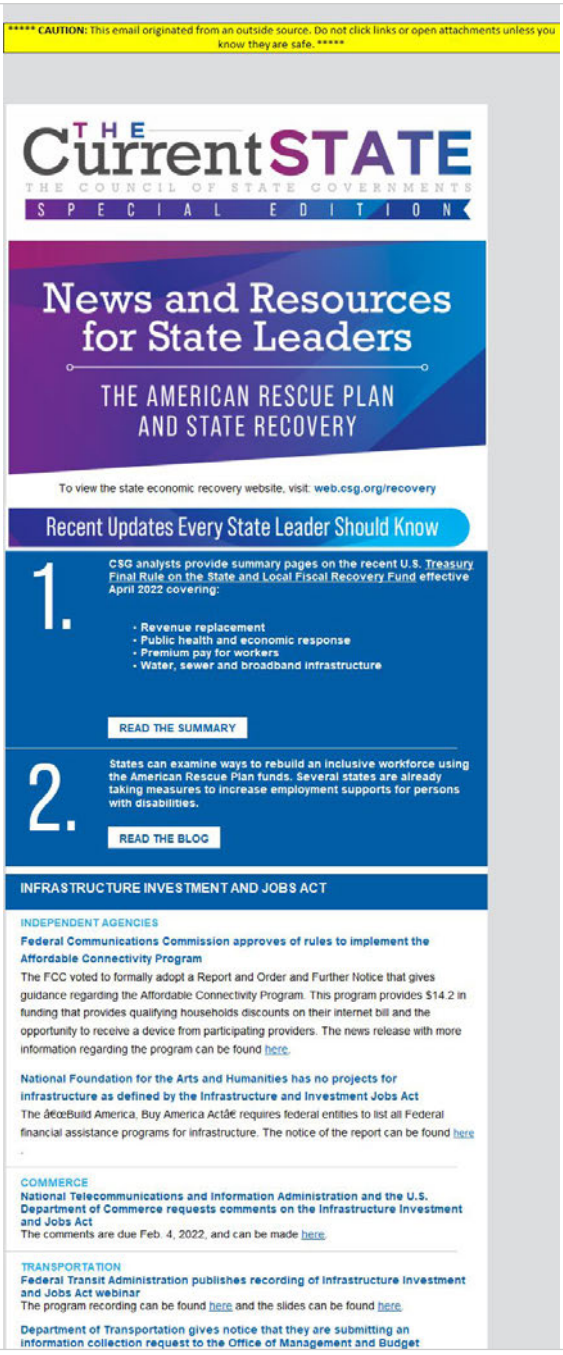

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THE AMERICAN RESCUE PLAN AND STATE RECOVERY

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Recent Updates Every State Leader Should Know

1. CSG analysts provide summary pages on the recent U.S. Treasury Final Rule on the State and Local Fiscal Recovery Fund effective April 2022 covering:

- Revenue replacement
- Public health and economic response
- Premium pay for workers
- Water, sewer and broadband infrastructure

READ THE SUMMARY

2. States can examine ways to rebuild an inclusive workforce using the American Rescue Plan funds. Several states are already taking measures to increase employment supports for persons with disabilities.

READ THE BLOG

INFRASTRUCTURE INVESTMENT AND JOBS ACT

INDEPENDENT AGENCIES

Federal Communications Commission approves of rules to implement the Affordable Connectivity Program

The FCC voted to formally adopt a Report and Order and Further Notice that gives guidance regarding the Affordable Connectivity Program. This program provides $14.2 in funding that provides qualifying households discounts on their internet bill and the opportunity to receive a device from participating providers. The news release with more information regarding the program can be found here.

National Foundation for the Arts and Humanities has no projects for infrastructure as defined by the Infrastructure and Investment Jobs Act

The â€œBuild America, Buy America Actâ€ requires federal entities to list all Federal financial assistance programs for infrastructure. The notice of the report can be found here .

COMMERCE

National Telecommunications and Information Administration and the U.S. Department of Commerce requests comments on the Infrastructure Investment and Jobs Act

The comments are due Feb. 4, 2022, and can be made here.

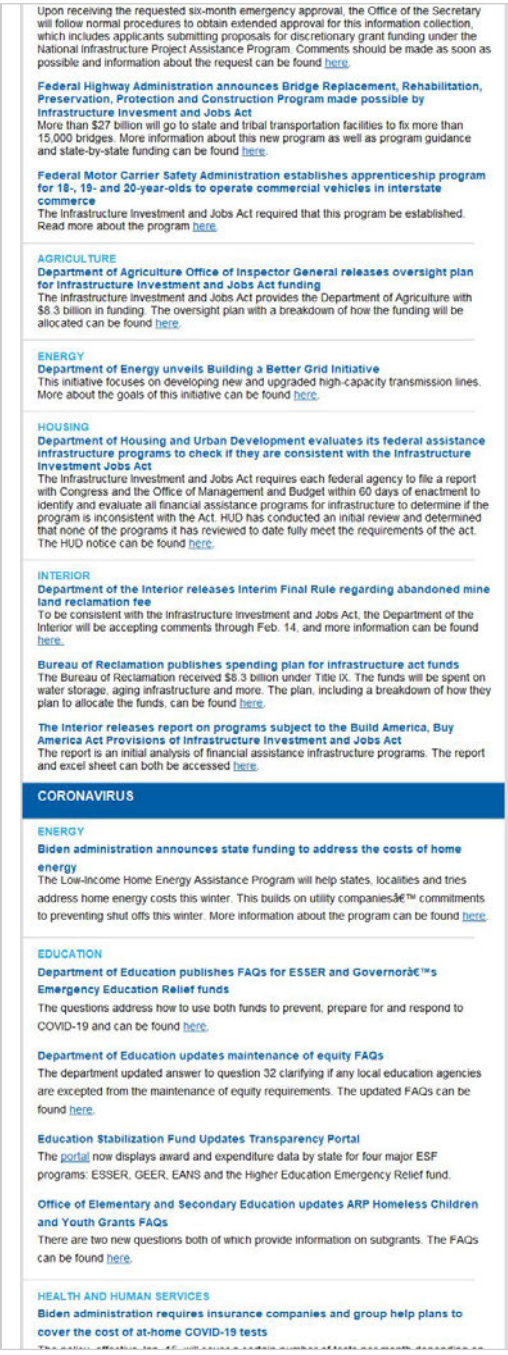
TRANSPORTATION

Federal Transit Administration publishes recording of Infrastructure Investment and Jobs Act webinar

The program recording can be found here and the slides can be found here.

Department of Transportation gives notice that they are submitting an information collection request to the Office of Management and Budget

Body



Upon receiving the requested six-month emergency approval, the Office of the Secretary will follow normal procedures to obtain extended approval for this information collection, which includes applicants submitting proposals for discretionary grant funding under the National Infrastructure Project Assistance Program. Comments should be made as soon as possible and information about the request can be found here.

Federal Highway Administration announces Bridge Replacement, Rehabilitation, Preservation, Protection and Construction Program made possible by Infrastructure Invesment and Jobs Act
More than $27 billion will go to state and tribal transportation facilities to fix more than 15,000 bridges. More information about this new program as well as program guidance and state-by-state funding can be found here.

Federal Motor Carrier Safety Administration establishes apprenticeship program for 18-, 19- and 20-year-olds to operate commercial vehicles in interstate commerce
The Infrastructure Investment and Jobs Act required that this program be established. Read more about the program here.

AGRICULTURE
Department of Agriculture Office of Inspector General releases oversight plan for Infrastructure Investment and Jobs Act funding
The Infrastructure Investment and Jobs Act provides the Department of Agriculture with $8.3 billion in funding. The oversight plan with a breakdown of how the funding will be allocated can be found here.

ENERGY
Department of Energy unveils Building a Better Grid Initiative
This initiative focuses on developing new and upgraded high-capacity transmission lines. More about the goals of this initiative can be found here.

HOUSING
Department of Housing and Urban Development evaluates its federal assistance infrastructure programs to check if they are consistent with the Infrastructure Investment Jobs Act
The Infrastructure Investment and Jobs Act requires each federal agency to file a report with Congress and the Office of Management and Budget within 60 days of enactment to identify and evaluate all financial assistance programs for infrastructure to determine if the program is inconsistent with the Act. HUD has conducted an initial review and determined that none of the programs it has reviewed to date fully meet the requirements of the act. The HUD notice can be found here.

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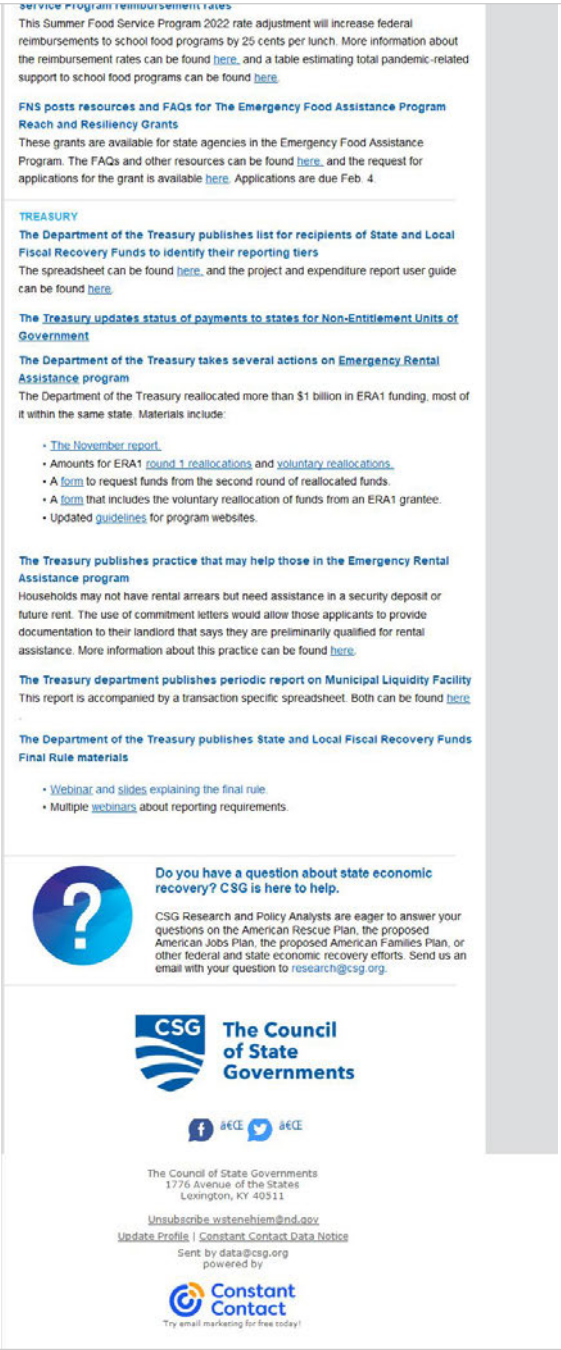
Body	

Record 145

Sender Name	The Council of State Governments
Sender Email	data+csg.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Justice Counts Launches Today, Treasury Final Rule Analysis, Deadline for Compact Consideration
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:41:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:41:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:41:21.000 AM

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What's New

Watch Live Today at 2 p.m. ET: Justice Counts National Launch

Safety and justice deserve better data. Airing today, the Justice Counts National Launch live broadcast discusses the significant shortcomings of data in the criminal justice system and offered a new, bold solution. Justice Counts is a consensus-building initiative of the U.S. Department of Justiceâ€™s Office of Justice Programsâ€™ Bureau of Justice Assistance led by The Council of State Governments Justice Center and an unprecedented coalition of partner organizations. Weâ€™re proud to be a part of the movement to provide actionable data to bolster public safety. The program airs live at 2 p.m. ET today, or you can watch a recorded version later this afternoon.

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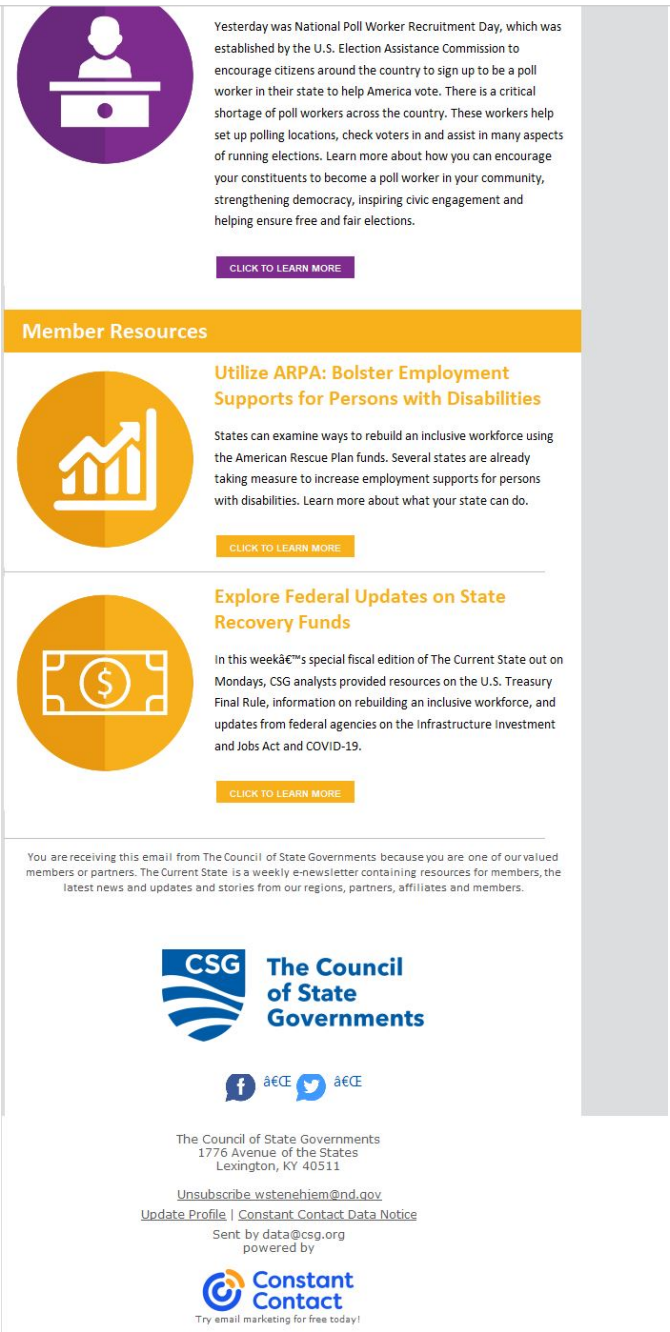
CLICK TO LEARN MORE

Sign Up to Be a Poll Worker

Body	

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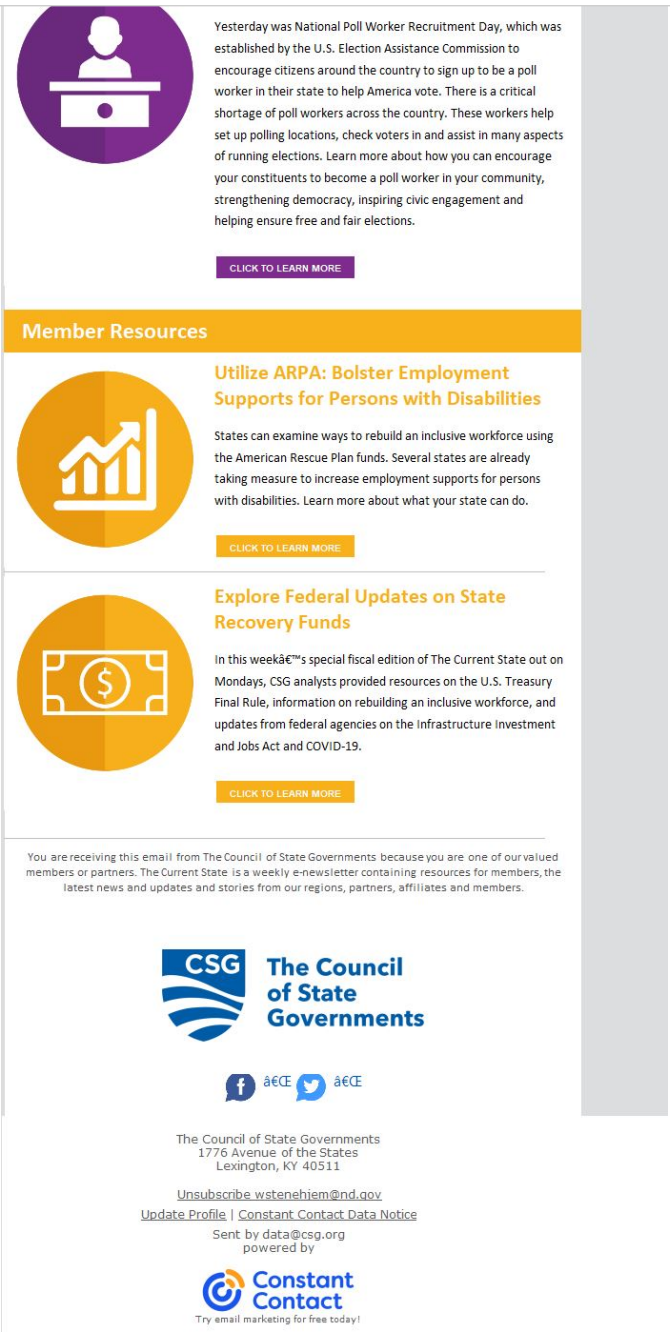
Body	

Record 147

Sender Name	The Council of State Governments
Sender Email	data@csg.org
Recipients	wstenehjem@nd.gov
Subject	Treasury Issues Final Rule + Build Back Better Update + Federal Fiscal Updates
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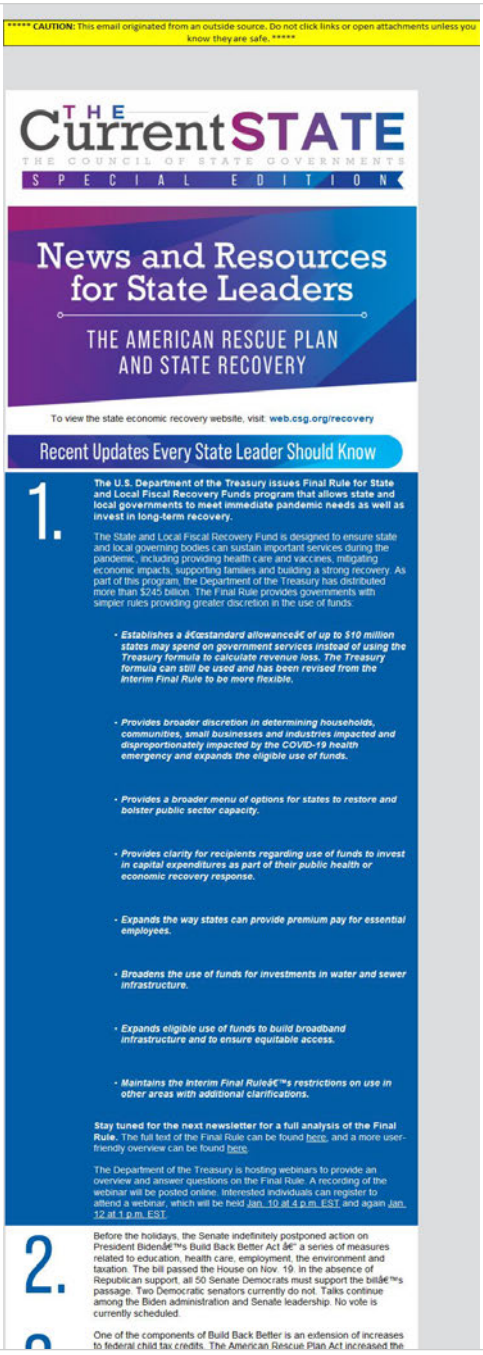

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Recent Updates Every State Leader Should Know

1. **The U.S. Department of the Treasury issues Final Rule for State and Local Fiscal Recovery Funds program that allows state and local governments to meet immediate pandemic needs as well as invest in long-term recovery.**

The State and Local Fiscal Recovery Fund is designed to ensure state and local governing bodies can sustain important services during the pandemic, including providing health care and vaccines, mitigating economic impacts, supporting families and building a strong recovery. As part of this program, the Department of the Treasury has distributed more than $245 billion. The Final Rule provides governments with simpler rules providing greater discretion in the use of funds:

- ***Establishes a â€œstandard allowanceâ€ of up to $10 million states may spend on government services instead of using the Treasury formula to calculate revenue loss. The Treasury formula can still be used and has been revised from the Interim Final Rule to be more flexible.***
- ***Provides broader discretion in determining households, communities, small businesses and industries impacted and disproportionately impacted by the COVID-19 health emergency and expands the eligible use of funds.***
- ***Provides a broader menu of options for states to restore and bolster public sector capacity.***
- ***Provides clarity for recipients regarding use of funds to invest in capital expenditures as part of their public health or economic recovery response.***
- ***Expands the way states can provide premium pay for essential employees.***
- ***Broadens the use of funds for investments in water and sewer infrastructure.***
- ***Expands eligible use of funds to build broadband infrastructure and to ensure equitable access.***
- ***Maintains the Interim Final Ruleâ€™s restrictions on use in other areas with additional clarifications.***

Stay tuned for the next newsletter for a full analysis of the Final Rule. The full text of the Final Rule can be found here, and a more user-friendly overview can be found here.

The Department of the Treasury is hosting webinars to provide an overview and answer questions on the Final Rule. A recording of the webinar will be posted online. Interested individuals can register to attend a webinar, which will be held Jan. 10 at 4 p.m. EST and again Jan. 12 at 1 p.m. EST.

2. Before the holidays, the Senate indefinitely postponed action on President Bidenâ€™s Build Back Better Act â€“ a series of measures related to education, health care, employment, the environment and taxation. The bill passed the House on Nov. 19. In the absence of Republican support, all 50 Senate Democrats must support the billâ€™s passage. Two Democratic senators currently do not. Talks continue among the Biden administration and Senate leadership. No vote is currently scheduled.

One of the components of Build Back Better is an extension of increases to federal child tax credits. The American Rescue Plan Act increased the

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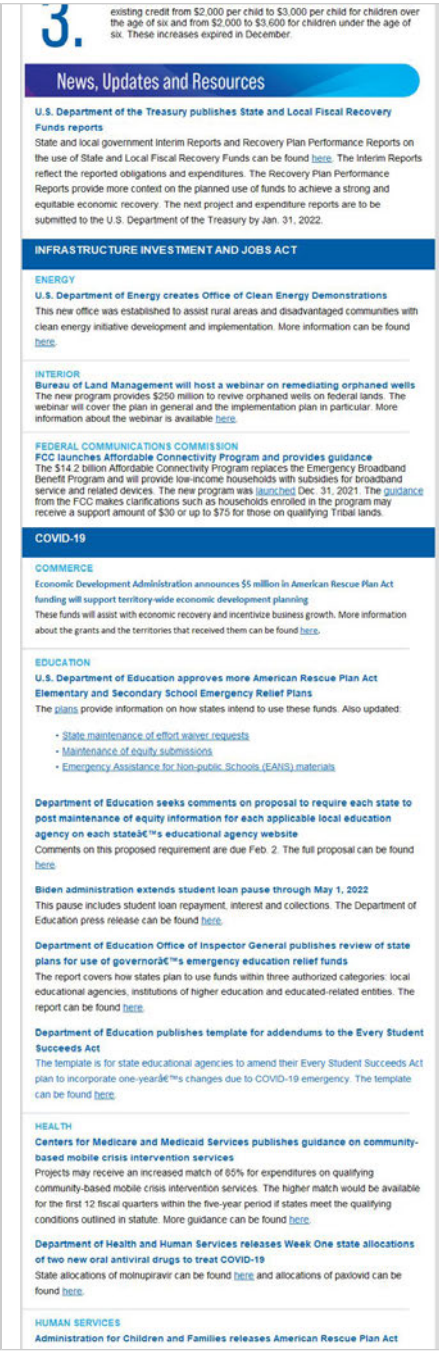


existing credit from $2,000 per child to $3,000 per child for children over the age of six and from $2,000 to $3,600 for children under the age of six. These increases expired in December.

News, Updates and Resources

U.S. Department of the Treasury publishes State and Local Fiscal Recovery Funds reports

State and local government Interim Reports and Recovery Plan Performance Reports on the use of State and Local Fiscal Recovery Funds can be found here. The Interim Reports reflect the reported obligations and expenditures. The Recovery Plan Performance Reports provide more context on the planned use of funds to achieve a strong and equitable economic recovery. The next project and expenditure reports are to be submitted to the U.S. Department of the Treasury by Jan. 31, 2022.

INFRASTRUCTURE INVESTMENT AND JOBS ACT

ENERGY

U.S. Department of Energy creates Office of Clean Energy Demonstrations

This new office was established to assist rural areas and disadvantaged communities with clean energy initiative development and implementation. More information can be found here.

INTERIOR

Bureau of Land Management will host a webinar on remediating orphaned wells

The new program provides $250 million to revive orphaned wells on federal lands. The webinar will cover the plan in general and the implementation plan in particular. More information about the webinar is available here.

FEDERAL COMMUNICATIONS COMMISSION

FCC launches Affordable Connectivity Program and provides guidance

The $14.2 billion Affordable Connectivity Program replaces the Emergency Broadband Benefit Program and will provide low-income households with subsidies for broadband service and related devices. The new program was launched Dec. 31, 2021. The guidance from the FCC makes clarifications such as households enrolled in the program may receive a support amount of $30 or up to $75 for those on qualifying Tribal lands.

COVID-19

COMMERCE

Economic Development Administration announces $5 million in American Rescue Plan Act funding will support territory-wide economic development planning

These funds will assist with economic recovery and incentivize business growth. More information about the grants and the territories that received them can be found here.

EDUCATION

U.S. Department of Education approves more American Rescue Plan Act Elementary and Secondary School Emergency Relief Plans

The plans provide information on how states intend to use these funds. Also updated:

- State maintenance of effort waiver requests
- Maintenance of equity submissions
- Emergency Assistance for Non-public Schools (EANS) materials

Department of Education seeks comments on proposal to require each state to post maintenance of equity information for each applicable local education agency on each stateâ€™s educational agency website

Comments on this proposed requirement are due Feb. 2. The full proposal can be found here.

Biden administration extends student loan pause through May 1, 2022

This pause includes student loan repayment, interest and collections. The Department of Education press release can be found here.

Department of Education Office of Inspector General publishes review of state plans for use of governorâ€™s emergency education relief funds

The report covers how states plan to use funds within three authorized categories: local educational agencies, institutions of higher education and educated-related entities. The report can be found here.

Department of Education publishes template for addendums to the Every Student Succeeds Act

The template is for state educational agencies to amend their Every Student Succeeds Act plan to incorporate one-yearâ€™s changes due to COVID-19 emergency. The template can be found here.

HEALTH

Centers for Medicare and Medicaid Services publishes guidance on community-based mobile crisis intervention services

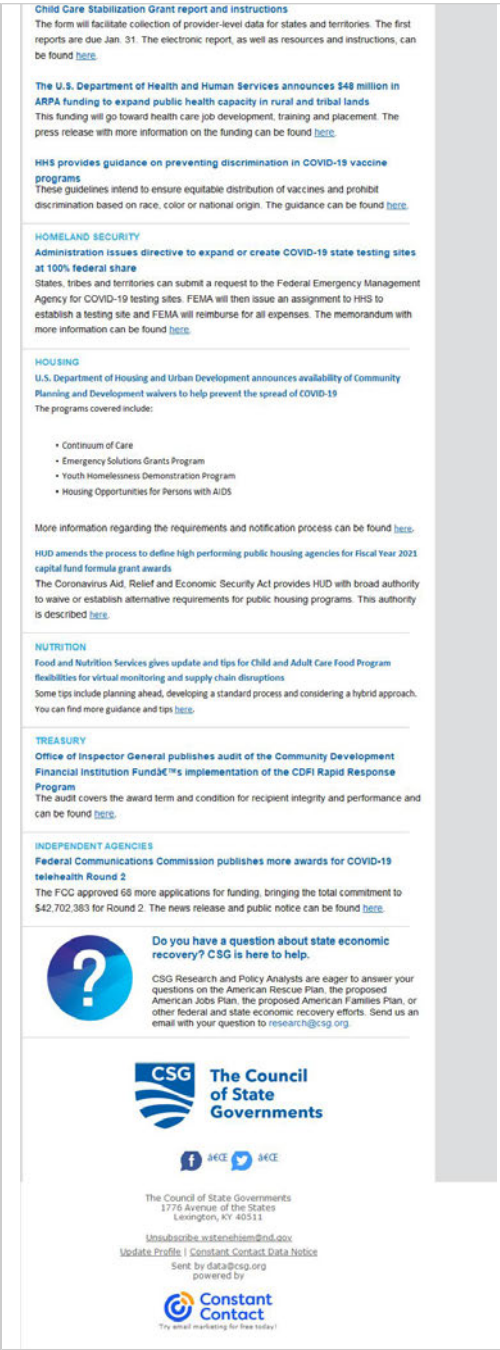
Projects may receive an increased match of 85% for expenditures on qualifying community-based mobile crisis intervention services. The higher match would be available for the first 12 fiscal quarters within the five-year period if states meet the qualifying conditions outlined in statute. More guidance can be found here.

Department of Health and Human Services releases Week One state allocations of two new oral antiviral drugs to treat COVID-19

State allocations of molnupiravir can be found here and allocations of paxlovid can be found here.

HUMAN SERVICES

Administration for Children and Families releases American Rescue Plan Act

Body	

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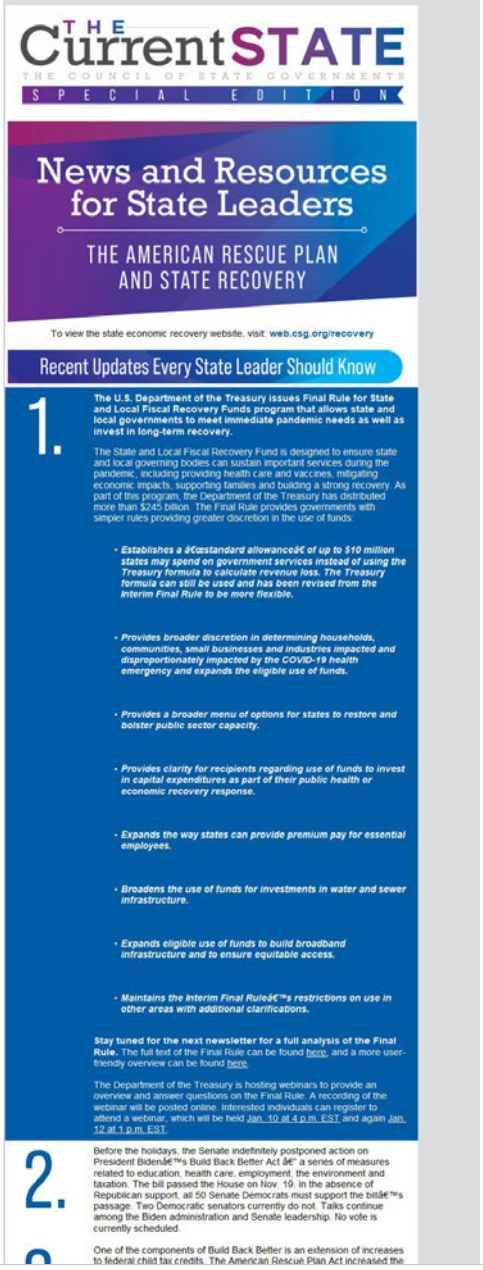
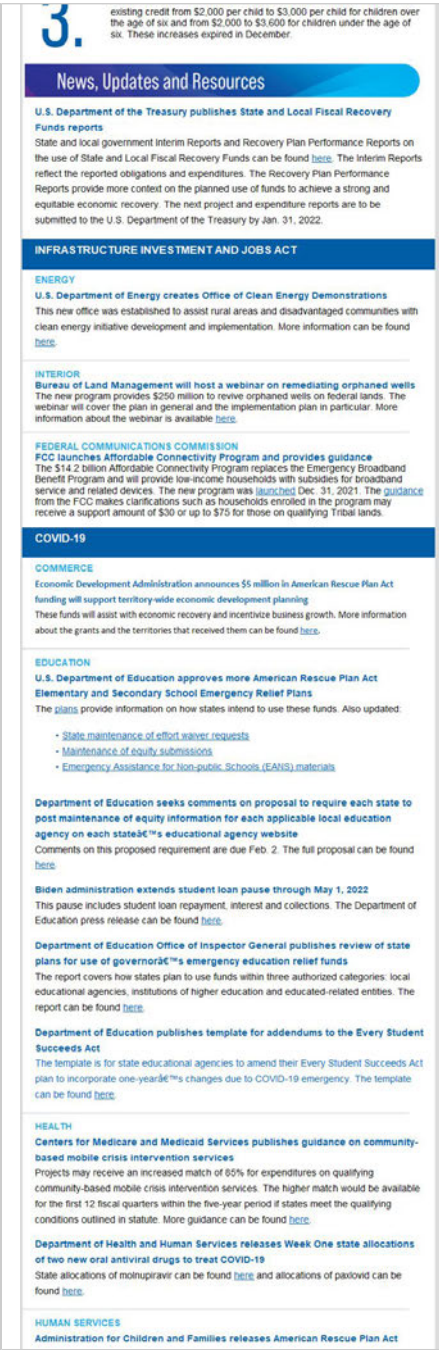
Sender Name	The Council of State Governments
Sender Email	data@csg.org
Recipients	wstenehjem@nd.gov
Subject	Treasury Issues Final Rule + Build Back Better Update + Federal Fiscal Updates
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:58:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:58:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:58:31.000 PM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****



Body



existing credit from $2,000 per child to $3,000 per child for children over the age of six and from $2,000 to $3,600 for children under the age of six. These increases expired in December.

News, Updates and Resources

U.S. Department of the Treasury publishes State and Local Fiscal Recovery Funds reports

State and local government Interim Reports and Recovery Plan Performance Reports on the use of State and Local Fiscal Recovery Funds can be found here. The Interim Reports reflect the reported obligations and expenditures. The Recovery Plan Performance Reports provide more context on the planned use of funds to achieve a strong and equitable economic recovery. The next project and expenditure reports are to be submitted to the U.S. Department of the Treasury by Jan. 31, 2022.

INFRASTRUCTURE INVESTMENT AND JOBS ACT

ENERGY

U.S. Department of Energy creates Office of Clean Energy Demonstrations

This new office was established to assist rural areas and disadvantaged communities with clean energy initiative development and implementation. More information can be found here.

INTERIOR

Bureau of Land Management will host a webinar on remediating orphaned wells

The new program provides $250 million to revive orphaned wells on federal lands. The webinar will cover the plan in general and the implementation plan in particular. More information about the webinar is available here.

FEDERAL COMMUNICATIONS COMMISSION

FCC launches Affordable Connectivity Program and provides guidance

The $14.2 billion Affordable Connectivity Program replaces the Emergency Broadband Benefit Program and will provide low-income households with subsidies for broadband service and related devices. The new program was launched Dec. 31, 2021. The guidance from the FCC makes clarifications such as households enrolled in the program may receive a support amount of $30 or up to $75 for those on qualifying Tribal lands.

COVID-19

COMMERCE

Economic Development Administration announces $5 million in American Rescue Plan Act funding will support territory-wide economic development planning

These funds will assist with economic recovery and incentivize business growth. More information about the grants and the territories that received them can be found here.

EDUCATION

U.S. Department of Education approves more American Rescue Plan Act Elementary and Secondary School Emergency Relief Plans

The plans provide information on how states intend to use these funds. Also updated:

- State maintenance of effort waiver requests
- Maintenance of equity submissions
- Emergency Assistance for Non-public Schools (EANS) materials

Department of Education seeks comments on proposal to require each state to post maintenance of equity information for each applicable local education agency on each stateâ€™s educational agency website

Comments on this proposed requirement are due Feb. 2. The full proposal can be found here.

Biden administration extends student loan pause through May 1, 2022

This pause includes student loan repayment, interest and collections. The Department of Education press release can be found here.

Department of Education Office of Inspector General publishes review of state plans for use of governorâ€™s emergency education relief funds

The report covers how states plan to use funds within three authorized categories: local educational agencies, institutions of higher education and educated-related entities. The report can be found here.

Department of Education publishes template for addendums to the Every Student Succeeds Act

The template is for state educational agencies to amend their Every Student Succeeds Act plan to incorporate one-yearâ€™s changes due to COVID-19 emergency. The template can be found here.

HEALTH

Centers for Medicare and Medicaid Services publishes guidance on community-based mobile crisis intervention services

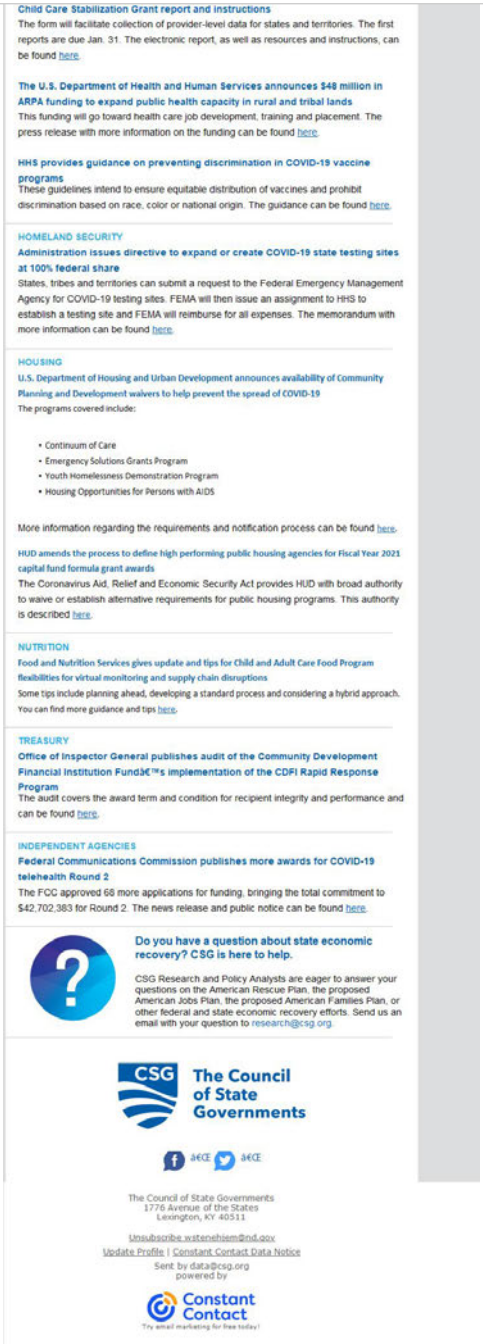
Projects may receive an increased match of 85% for expenditures on qualifying community-based mobile crisis intervention services. The higher match would be available for the first 12 fiscal quarters within the five-year period if states meet the qualifying conditions outlined in statute. More guidance can be found here.

Department of Health and Human Services releases Week One state allocations of two new oral antiviral drugs to treat COVID-19

State allocations of molnupiravir can be found here and allocations of paxlovid can be found here.

HUMAN SERVICES

Administration for Children and Families releases American Rescue Plan Act

Body	

Record 149

Sender Name	Goodin, Dave
Sender Email	Dave.Goodin@mduresources.com
Recipients	wstenehjem@nd.gov
Subject	Please join me at the NDSU Presidential Candidate Socials
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:31:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:29:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:31:26.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Wayne, I wanted to reach out and personally invite you to attend the NDSU Presidential Candidate meet-and-greets starting tonight and going through next week from 5:30 to 7 p.m. at the North Dakota Heritage Center. • Tuesday, Jan. 25 - Dr. David Cook • Wednesday, Jan. 26 - Dr. Debra Larson • Thursday, Jan. 27 - Dr. Michael Tidwell • Tuesday, Feb. 1 - Dr. Hesham El-Rewini • Wednesday, Feb. 2 - Dr. Mary Holz-Clause I hope you can make it and look forward to seeing you at these important socials. Dave

Record 150

Sender Name	Goodin, Dave
Sender Email	Dave.Goodin@mduresources.com
Recipients	wstenehjem@nd.gov
Subject	Please join me at the NDSU Presidential Candidate Socials
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:31:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:29:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:31:26.000 AM
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Record 151

Sender Name	McVey, David
Sender Email	David.McVey@state.sd.us
Recipients	MurrillE@ag.louisiana.gov, Judd.Stone@oag.texas.gov, christopher.thacker@ky.gov, Scott.Stewart@ago.ms.gov, Drew.Ensign@azag.gov, victor.maddox@ky.gov, charles.brasington@alaska.gov, Benjamin.Flowers@OhioAGO.gov, Joshua.Richardson@OhioAGO.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:43:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:42:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:43:17.000 AM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL §1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <

Body

StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon,

Body

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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

Body	**From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See **Published rule**, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Sender Name	McVey, David
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Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:43:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:42:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:43:17.000 AM

Body

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL §1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

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david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <

Body

StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon,

Body	Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD. --- **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: ACF/OHS/HHS - Head Start Mandate Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others). We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners.

Body	**From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See **Published rule**, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 153

Sender Name	Connor, Donna J.
Sender Email	dconnor@nd.gov
Recipients	aeisenbeis@nd.gov, wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:28:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:28:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:28:42.000 PM
Body	Ashley and Wayne, I said Grandpa because I had looked at Kylie Buchholz's Facebook(Kerrie's daughter) about losing her grandpa, my fault. Kerrie's husband is Curt, sorry for the confusion this afternoon. Enjoy your evening! ☺

Record 154

Sender Name	Connor, Donna J.
Sender Email	dconnor@nd.gov
Recipients	aeisenbeis@nd.gov, wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:28:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:28:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:28:42.000 PM
Body	Ashley and Wayne, I said Grandpa because I had looked at Kylie Buchholz's Facebook(Kerrie's daughter) about losing her grandpa, my fault. Kerrie's husband is Curt, sorry for the confusion this afternoon. Enjoy your evening! ☺

Record 155

Sender Name	Nelson, Douglas D.
Sender Email	ddnelson@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:07:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:07:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:07:04.000 AM

Body	Hi Wayne and Troy, Attached the conclusion paragraph from the report noted below. I know you don't have time to read a whole research report on this, so I included the short conclusion synopsis so that you would have time to read if you were interested. Just some new research as to the airborne hazards that fire investigators are exposed to when examining a scene. And if you don't have time, no worries or expectations, just sharing information, I know you are both very busy. Let me know if you have any questions. Thanks, Doug Nelson **From:** Jim Narva <jnarva@narvaassociates.com> **Sent:** Tuesday, December 21, 2021 12:26 PM **To:** Jim Narva <jnarva@narvaassociates.com> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear NASFM Member, We are forwarding along a link to a publication from the UL Fire Safety Research Institute dealing with occupational exposures to fire investigators. Many of you have fire investigation within the responsibility of your office and this publication really shows the need to protect our fire investigators from airborne contaminations. If you have seen this I apologize for the duplication. Merry Christmas, Jim Narva NASFM Executive Director **From:** Williams, Jennifer <Jennifer.Williams@ul.org> **Sent:** Monday, December 20, 2021 8:50 AM **To:** Jon Narva <jon@NarvaAssociates.com>; Jim Narva <jnarva@narvaassociates.com>; respondermarketing <respondermarketing@gmail.com> **Subject:** FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Good morning, Hope you are having a safe and happy holiday season! Today we have announced our latest publication that may be of particular interest to NASFM. Most chemical exposure studies have primarily focused on firefighters during suppression or overhaul. However, as you know, fire investigators may be occupationally exposed to many of the same compounds but are often tasked with working on the scene for longer periods of time with limited PPE. Our latest peer-reviewed journal article highlights the need to protect investigators' airways from particulates during investigations and post-fire reconstruction activities. "Airborne contamination during post-fire investigations: hot, warm and cold scenes" was recently published in the Journal of Occupational and Environmental Hygiene. Learn more about the study and download the article here: https://s.ul.org/3yMRNFA Let us know if you have any questions about the study. We plan to highlight this again on our channels following the holidays. Thanks for all you do. Stay safe, **Jennifer Williams** **Senior Content Specialist** Fire Safety Research Institute --- Underwriters Laboratories Inc. 6200 Old Dobbin Lane, Suite 150 Columbia, MD 21045 USA C +1 240.401.0912 E jennifer.williams@ul.org W fsri.org CloseYourDoor.org Smokealarms.ul.org This e-mail may contain privileged or confidential information. If you are not the intended recipient: (1) you may not disclose, use, distribute, copy or rely upon this message or attachment(s); and (2) please notify the sender by reply e-mail, and then delete this message and its attachment(s). Underwriters Laboratories Inc. and its affiliates disclaim all liability for any errors, omissions, corruption or virus in this message or any attachments.
Attachments	doc00443220211229120604[15948].pdf, image001[14992].png

Record 156

Sender Name	Nelson, Douglas D.
Sender Email	ddnelson@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:07:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:07:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:07:04.000 AM

Body	Hi Wayne and Troy, Attached the conclusion paragraph from the report noted below. I know you don't have time to read a whole research report on this, so I included the short conclusion synopsis so that you would have time to read if you were interested. Just some new research as to the airborne hazards that fire investigators are exposed to when examining a scene. And if you don't have time, no worries or expectations, just sharing information, I know you are both very busy. Let me know if you have any questions. Thanks, Doug Nelson **From:** Jim Narva <jnarva@narvaassociates.com> **Sent:** Tuesday, December 21, 2021 12:26 PM **To:** Jim Narva <jnarva@narvaassociates.com> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear NASFM Member, We are forwarding along a link to a publication from the UL Fire Safety Research Institute dealing with occupational exposures to fire investigators. Many of you have fire investigation within the responsibility of your office and this publication really shows the need to protect our fire investigators from airborne contaminations. If you have seen this I apologize for the duplication. Merry Christmas, Jim Narva NASFM Executive Director **From:** Williams, Jennifer <Jennifer.Williams@ul.org> **Sent:** Monday, December 20, 2021 8:50 AM **To:** Jon Narva <jon@NarvaAssociates.com>; Jim Narva <jnarva@narvaassociates.com>; respondermarketing <respondermarketing@gmail.com> **Subject:** FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Good morning, Hope you are having a safe and happy holiday season! Today we have announced our latest publication that may be of particular interest to NASFM. Most chemical exposure studies have primarily focused on firefighters during suppression or overhaul. However, as you know, fire investigators may be occupationally exposed to many of the same compounds but are often tasked with working on the scene for longer periods of time with limited PPE. Our latest peer-reviewed journal article highlights the need to protect investigators' airways from particulates during investigations and post-fire reconstruction activities. "Airborne contamination during post-fire investigations: hot, warm and cold scenes" was recently published in the Journal of Occupational and Environmental Hygiene. Learn more about the study and download the article here: https://s.ul.org/3yMRNFA Let us know if you have any questions about the study. We plan to highlight this again on our channels following the holidays. Thanks for all you do. Stay safe, **Jennifer Williams** **Senior Content Specialist** Fire Safety Research Institute --- Underwriters Laboratories Inc. 6200 Old Dobbin Lane, Suite 150 Columbia, MD 21045 USA C +1 240.401.0912 E jennifer.williams@ul.org W fsri.org CloseYourDoor.org Smokealarms.ul.org This e-mail may contain privileged or confidential information. If you are not the intended recipient: (1) you may not disclose, use, distribute, copy or rely upon this message or attachment(s); and (2) please notify the sender by reply e-mail, and then delete this message and its attachment(s). Underwriters Laboratories Inc. and its affiliates disclaim all liability for any errors, omissions, corruption or virus in this message or any attachments.
Attachments	doc00443220211229120604[12584].pdf, image001[11557].png

Record 157

Sender Name	Nelson, Douglas D.
Sender Email	ddnelson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:39:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:39:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:39:17.000 AM

Body

Hi Wayne,

Also, I never got you an update on the fatal explosion last week.

Our DFM did investigate and ATF is assisting her. One fatality resulted, and one injured party is in the hospital and won't be able to interview for a number of weeks at this point due to the injuries sustained.

We were able to obtain video of the exact moment the explosion occurred (let me know if you want to see it and I can have our DFM share it with you over teams if you are interested).

It looks like the cause may be due to the work the gentlemen were doing or how they were doing it. However, we will not have an official cause (if we do print one) until the complete report is approved.

If you want any more information, let me know.

Thanks and Happy New Year to you as well!

Doug Nelson

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 29, 2021 11:34 AM
To: Nelson, Douglas D. <ddnelson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Re: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations

Thanks for the information, Doug.
Happy New Year
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Nelson, Douglas D. <ddnelson@nd.gov>
Sent: Wednesday, December 29, 2021 12:07:03 PM
To: Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations

Hi Wayne and Troy,

Attached the conclusion paragraph from the report noted below. I know you don't have time to read a whole research report on this, so I included the short conclusion synopsis so that you would have time to read if you were interested. Just some new research as to the airborne hazards that fire investigators are exposed to when examining a scene.

And if you don't have time, no worries or expectations, just sharing information, I know you are both very busy.

Let me know if you have any questions.

Thanks,

Doug Nelson

From: Jim Narva <Jnarva@narvaassociates.com>
Sent: Tuesday, December 21, 2021 12:26 PM
To: Jim Narva <Jnarva@narvaassociates.com>
Subject: FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Dear NASFM Member,

Body	We are forwarding along a link to a publication from the UL Fire Safety Research Institute dealing with occupational exposures to fire investigators. Many of you have fire investigation within the responsibility of your office and this publication really shows the need to protect our fire investigators from airborne contaminations. If you have seen this I apologize for the duplication. Merry Christmas, Jim Narva NASFM Executive Director **From:** Williams, Jennifer <Jennifer.Williams@ul.org> **Sent:** Monday, December 20, 2021 8:50 AM **To:** Jon Narva <jon@NarvaAssociates.com>; Jim Narva <Jnarva@narvaassociates.com>; respondermarketing <respondermarketing@gmail.com> **Subject:** FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Good morning, Hope you are having a safe and happy holiday season! Today we have announced our latest publication that may be of particular interest to NASFM. Most chemical exposure studies have primarily focused on firefighters during suppression or overhaul. However, as you know, fire investigators may be occupationally exposed to many of the same compounds but are often tasked with working on the scene for longer periods of time with limited PPE. Our latest peer-reviewed journal article highlights the need to protect investigators' airways from particulates during investigations and post-fire reconstruction activities. "Airborne contamination during post-fire investigations: hot, warm and cold scenes" was recently published in the Journal of Occupational and Environmental Hygiene. Learn more about the study and download the article here: https://s.ul.org/3yMRNFA Let us know if you have any questions about the study. We plan to highlight this again on our channels following the holidays. Thanks for all you do. Stay safe, **Jennifer Williams** **Senior Content Specialist** Fire Safety Research Institute --- Underwriters Laboratories Inc. 6200 Old Dobbin Lane, Suite 150 Columbia, MD 21045 USA C +1 240.401.0912 E jennifer.williams@ul.org W fsri.org CloseYourDoor.org Smokealarms.ul.org This e-mail may contain privileged or confidential information. If you are not the intended recipient: (1) you may not disclose, use, distribute, copy or rely upon this message or attachment(s); and (2) please notify the sender by reply e-mail, and then delete this message and its attachment(s). Underwriters Laboratories Inc. and its affiliates disclaim all liability for any errors, omissions, corruption or virus in this message or any attachments.
Attachments	image001[14995].png

Record 158

Sender Name	Nelson, Douglas D.
Sender Email	ddnelson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:39:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:39:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:39:17.000 AM

Body	Hi Wayne, Also, I never got you an update on the fatal explosion last week. Our DFM did investigate and ATF is assisting her. One fatality resulted, and one injured party is in the hospital and won't be able to interview for a number of weeks at this point due to the injuries sustained. We were able to obtain video of the exact moment the explosion occurred (let me know if you want to see it and I can have our DFM share it with you over teams if you are interested). It looks like the cause may be due to the work the gentlemen were doing or how they were doing it. However, we will not have an official cause (if we do print one) until the complete report is approved. If you want any more information, let me know. Thanks and Happy New Year to you as well! Doug Nelson **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 11:34 AM **To:** Nelson, Douglas D. <ddnelson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Thanks for the information, Doug. Happy New Year Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Nelson, Douglas D. <ddnelson@nd.gov> **Sent:** Wednesday, December 29, 2021 12:07:03 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Hi Wayne and Troy, Attached the conclusion paragraph from the report noted below. I know you don't have time to read a whole research report on this, so I included the short conclusion synopsis so that you would have time to read if you were interested. Just some new research as to the airborne hazards that fire investigators are exposed to when examining a scene. And if you don't have time, no worries or expectations, just sharing information, I know you are both very busy. Let me know if you have any questions. Thanks, Doug Nelson **From:** Jim Narva <Jnarva@narvaassociates.com> **Sent:** Tuesday, December 21, 2021 12:26 PM **To:** Jim Narva <Jnarva@narvaassociates.com> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear NASFM Member,

Body	We are forwarding along a link to a publication from the UL Fire Safety Research Institute dealing with occupational exposures to fire investigators. Many of you have fire investigation within the responsibility of your office and this publication really shows the need to protect our fire investigators from airborne contaminations. If you have seen this I apologize for the duplication. Merry Christmas, Jim Narva NASFM Executive Director **From:** Williams, Jennifer <Jennifer.Williams@ul.org> **Sent:** Monday, December 20, 2021 8:50 AM **To:** Jon Narva <jon@NarvaAssociates.com>; Jim Narva <Jnarva@narvaassociates.com>; respondermarketing <respondermarketing@gmail.com> **Subject:** FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Good morning, Hope you are having a safe and happy holiday season! Today we have announced our latest publication that may be of particular interest to NASFM. Most chemical exposure studies have primarily focused on firefighters during suppression or overhaul. However, as you know, fire investigators may be occupationally exposed to many of the same compounds but are often tasked with working on the scene for longer periods of time with limited PPE. Our latest peer-reviewed journal article highlights the need to protect investigators' airways from particulates during investigations and post-fire reconstruction activities. "Airborne contamination during post-fire investigations: hot, warm and cold scenes" was recently published in the Journal of Occupational and Environmental Hygiene. Learn more about the study and download the article here: https://s.ul.org/3yMRNFA Let us know if you have any questions about the study. We plan to highlight this again on our channels following the holidays. Thanks for all you do. Stay safe, **Jennifer Williams** **Senior Content Specialist** Fire Safety Research Institute --- Underwriters Laboratories Inc. 6200 Old Dobbin Lane, Suite 150 Columbia, MD 21045 USA C +1 240.401.0912 E jennifer.williams@ul.org W fsri.org CloseYourDoor.org Smokealarms.ul.org This e-mail may contain privileged or confidential information. If you are not the intended recipient: (1) you may not disclose, use, distribute, copy or rely upon this message or attachment(s); and (2) please notify the sender by reply e-mail, and then delete this message and its attachment(s). Underwriters Laboratories Inc. and its affiliates disclaim all liability for any errors, omissions, corruption or virus in this message or any attachments.
Attachments	image001[11560].png

Record 159

Sender Name	Nelson, Douglas D.
Sender Email	ddnelson@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Potential PFAS Release
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:59:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:59:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:59:09.000 AM

Body	Hi Wayne and Troy, I know that you have asked about PFAS contamination in ND before, so I just thought I would make sure you are aware of this. I have spoken with DEQ and the event described below has a low chance of significant contamination of any groundwater tables. I will update you if I hear anything further and please let me know if you have any questions. Have a good day, Doug Nelson **From:** Skjod, Jennifer L. <jSkjod@nd.gov> **Sent:** Friday, January 7, 2022 3:03 PM **To:** Nelson, Douglas D. <ddnelson@nd.gov> **Subject:** Potential PFAS Release **Importance:** High **Good Afternoon Douglas,** **I believe David Bruschwein left you a voicemail about this, but I wanted you to see the news release before I hit send. Best, Jennifer** **NEWS** | **FOR IMMEDIATE RELEASE** | Jan. 7, 2022 **Class B firefighting foam released in Williams County** BISMARCK, N.D. –The North Dakota Department of Environmental Quality reports that 6,000 gallons of a Class B firefighting foam and water mixture were released from a facility owned and operated by Polar Creek Industries US, Inc., in Williston on Jan. 6. The spill was confined to a road ditch. Class B firefighting foam, also known as Aqueous film-forming foam or AFFF, is used for fighting high-hazard flammable liquid fires and may potentially contain per and polyfluoroalkyl substances (PFAS). PFAS is a synthetic chemical that persistently remains in the environment and can be harmful to human health. Cleanup has begun, and personnel from Environmental Quality have inspected the site and collected samples to determine if the Class B foam contains PFAS. The investigation team will continue to monitor the situation and remediation. **For more information, contact:** Bill Suess Division or Water Quality 4201 Normandy St. | Bismarck, ND 58503-1324 PHONE: 701.328.5216 | EMAIL: bsuess@nd.gov www.deq.nd.gov # # # Jennifer L. Skjod *Public Information Officer* (701) 328-5226 • jskjod@nd.gov • https://deq.nd.gov/
Attachments	image001[15211].png, image002[15212].png

Record 160

Sender Name	Nelson, Douglas D.
Sender Email	ddnelson@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Potential PFAS Release
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:59:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:59:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:59:09.000 AM

Body	Hi Wayne and Troy, I know that you have asked about PFAS contamination in ND before, so I just thought I would make sure you are aware of this. I have spoken with DEQ and the event described below has a low chance of significant contamination of any groundwater tables. I will update you if I hear anything further and please let me know if you have any questions. Have a good day, Doug Nelson **From:** Skjod, Jennifer L. <jSkjod@nd.gov> **Sent:** Friday, January 7, 2022 3:03 PM **To:** Nelson, Douglas D. <ddnelson@nd.gov> **Subject:** Potential PFAS Release **Importance:** High **Good Afternoon Douglas,** **I believe David Bruschwein left you a voicemail about this, but I wanted you to see the news release before I hit send. Best, Jennifer** **NEWS** | **FOR IMMEDIATE RELEASE** | Jan. 7, 2022 **Class B firefighting foam released in Williams County** BISMARCK, N.D. –The North Dakota Department of Environmental Quality reports that 6,000 gallons of a Class B firefighting foam and water mixture were released from a facility owned and operated by Polar Creek Industries US, Inc., in Williston on Jan. 6. The spill was confined to a road ditch. Class B firefighting foam, also known as Aqueous film-forming foam or AFFF, is used for fighting high-hazard flammable liquid fires and may potentially contain per and polyfluoroalkyl substances (PFAS). PFAS is a synthetic chemical that persistently remains in the environment and can be harmful to human health. Cleanup has begun, and personnel from Environmental Quality have inspected the site and collected samples to determine if the Class B foam contains PFAS. The investigation team will continue to monitor the situation and remediation. **For more information, contact:** Bill Suess Division or Water Quality 4201 Normandy St. | Bismarck, ND 58503-1324 PHONE: 701.328.5216 | EMAIL: bsuess@nd.gov www.deq.nd.gov # # # Jennifer L. Skjod *Public Information Officer* (701) 328-5226 • jskjod@nd.gov • https://deq.nd.gov/
Attachments	image001[11807].png, image002[11808].png

Record 161

Sender Name	Nelson, Douglas D.
Sender Email	ddnelson@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	DFM candidate final offer ok to proceed?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 9:16:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 9:16:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 9:16:56.000 AM

Body	Good morning Wayne and Troy, First off, sorry to hear you are both not feeling well, hope you kick it soon and start feeling better. Secondly, our DFM candidate is in town today to complete the final items related to her conditional offer. The background investigation is complete and there was nothing to report and no reasons why she would not be a good candidate. She is in with the psychological Dr. this morning and will be up to meet with Ashley this afternoon. We have been struggling to fill this position for 7 months, and the hiring process has been slow as it is. I am hoping that we can proceed with a final offer at this point as to not put off a start date any further. Are you ok with us proceeding with a final offer for this candidate so that we can have her start with our office on February 14th? I would schedule her to meet with you both on her first week orientation so you would get a chance to talk with her then. Attached are her cover letter, resume and the memo requesting approval for a final offer and the final job offer letter. Please let me know whether you approve of this or not and if you have any questions or concerns. Thanks, Doug Nelson
CC	aeisenbeis@nd.gov, lbrocker@nd.gov
Attachments	12793.pdf, 12795.pdf, 12794.pdf

Record 162

Sender Name	DeltaAirLines@g.delta.com
Sender Email	DeltaAirLines@g.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 5:07:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 5:07:10.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 5:07:18.000 AM

Body

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You have already been booked on the best available option.

DELTA

*******529630
SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,

Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans and apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
UPDATE - CHANGE		
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnesota 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul,~~ ~~Minnesota~~ ~~7:30 PM~~

Body

~~Delta 3603~~
~~Wed, December 29~~

~~Minneapolis/St. Paul, Minnesota~~
~~10:45 PM~~

~~Bismarck,North Dakota~~
~~12:26 PM~~

FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

Pick A New Flight

Follow step-by-step directions to make a change online for most ticket types.
See Instructions >

Cancel Your Flight

You may be eligible to cancel via My Trips prior to departure to receive an eCredit or refund, depending on your ticket type and circumstances for cancellation.
See Details >

Manage Your Trip

The Fly Delta App and My Trips on delta.com make it easy to manage your trip.
Go To My Trips >

DELTA

The options above are the fastest way to address any changes or questions you may have. However, if you need any further support with your trip, message a Delta Reservations specialist.

You have received this email because you provided your email address as contact information.

Privacy Policy

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Record 163

Sender Name	DeltaAirLines@g.delta.com
Sender Email	DeltaAirLines@g.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 5:07:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 5:07:10.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 5:07:18.000 AM

Body

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FLIGHT/DATE	DEPART	ARRIVE
UPDATE - CHANGE		
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Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul,~~ ~~Minnesota~~ ~~7:30 PM~~

Body	

~~Delta 3603~~ ~~Wed, December 29~~ | ~~Minneapolis/St. Paul, Minnesota~~ ~~10:45 PM~~ | ~~Bismarck,North Dakota~~ ~~12:26 PM~~

FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

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Record 164

Sender Name	DeltaAirLines@g.delta.com
Sender Email	DeltaAirLines@g.delta.com
Recipients	wstenehjem@nd.gov
Subject	Update: Your Flight Schedule Has Changed
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 5:39:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 5:39:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 5:39:55.000 PM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Here's everything you need to know.

DELTA

*******890
SkyMiles® Member

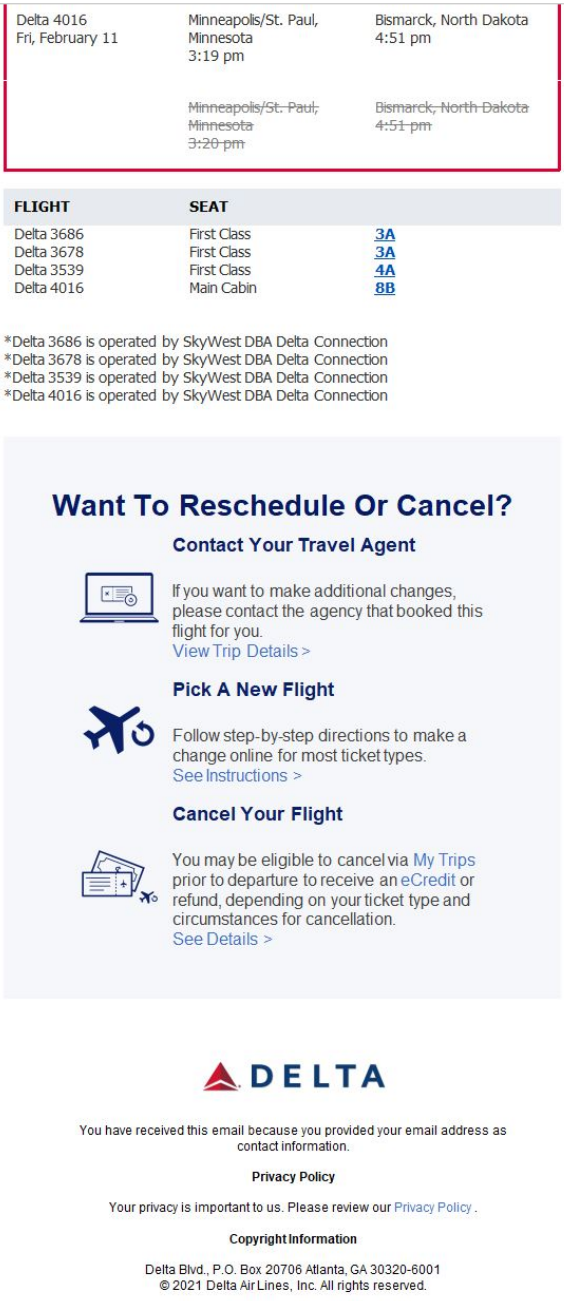
Hello WAYNEKEVIN,

Your upcoming flight, Trip Confirmation #H2DDM2 , has been impacted by schedule adjustments, and your new flight itinerary is listed below as well as on delta.com and the Fly Delta app. There's nothing further you need to do at this time, unless you would like to make any additional changes to your flight. We apologize for the inconvenience this change in schedule may cause and thank you for your flexibility.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
UPDATE - CHANGE		
Delta 3686 Wed, February 9	Bismarck, North Dakota 7:49 am	Minneapolis/St. Paul, Minnesota 9:30 am
~~Delta 3739~~ ~~Wed, February 9~~	~~Bismarck, North Dakota~~ ~~12:24 pm~~	~~Minneapolis/St. Paul, Minnesota~~ ~~1:52 pm~~
Delta 3678 Wed, February 9	Minneapolis/St. Paul, Minnesota 3:15 pm	George Bush Intercontinental/h, Texas 6:31 pm
UPDATE - CHANGE		
Delta 3539 Fri, February 11	George Bush Intercontinental/h, Texas 11:32 am	Minneapolis/St. Paul, Minnesota 2:24 pm
	~~George Bush Intercontinental/h, Texas~~ ~~11:32 am~~	~~Minneapolis/St. Paul, Minnesota~~ ~~2:25 pm~~
UPDATE - CHANGE		

Body	



Delta 4016 Fri, February 11	Minneapolis/St. Paul, Minnesota 3:19 pm	Bismarck, North Dakota 4:51 pm
	~~Minneapolis/St. Paul, Minnesota~~ ~~3:20 pm~~	~~Bismarck, North Dakota~~ ~~4:51 pm~~

FLIGHT	SEAT	
Delta 3686	First Class	3A
Delta 3678	First Class	3A
Delta 3539	First Class	4A
Delta 4016	Main Cabin	8B

*Delta 3686 is operated by SkyWest DBA Delta Connection
*Delta 3678 is operated by SkyWest DBA Delta Connection
*Delta 3539 is operated by SkyWest DBA Delta Connection
*Delta 4016 is operated by SkyWest DBA Delta Connection

Want To Reschedule Or Cancel?

Contact Your Travel Agent

If you want to make additional changes, please contact the agency that booked this flight for you.
View Trip Details >

Pick A New Flight

Follow step-by-step directions to make a change online for most ticket types.
See Instructions >

Cancel Your Flight

You may be eligible to cancel via My Trips prior to departure to receive an eCredit or refund, depending on your ticket type and circumstances for cancellation.
See Details >

DELTA

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Record 165

Sender Name	DeltaAirLines@g.delta.com
Sender Email	DeltaAirLines@g.delta.com
Recipients	wstenehjem@nd.gov
Subject	Update: Your Flight Schedule Has Changed
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 5:39:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 5:39:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 5:39:55.000 PM

Body

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Here's everything you need to know.

DELTA

*******890
SkyMiles® Member

Hello WAYNEKEVIN,

Your upcoming flight, Trip Confirmation #H2DDM2 , has been impacted by schedule adjustments, and your new flight itinerary is listed below as well as on delta.com and the Fly Delta app. There's nothing further you need to do at this time, unless you would like to make any additional changes to your flight. We apologize for the inconvenience this change in schedule may cause and thank you for your flexibility.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
UPDATE - CHANGE		
Delta 3686 Wed, February 9	Bismarck, North Dakota 7:49 am	Minneapolis/St. Paul, Minnesota 9:30 am
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Delta 3678 Wed, February 9	Minneapolis/St. Paul, Minnesota 3:15 pm	George Bush Intercontinental/h, Texas 6:31 pm
UPDATE - CHANGE		
Delta 3539 Fri, February 11	George Bush Intercontinental/h, Texas 11:32 am	Minneapolis/St. Paul, Minnesota 2:24 pm
	~~George Bush Intercontinental/h, Texas~~ ~~11:32 am~~	~~Minneapolis/St. Paul, Minnesota~~ ~~2:25 pm~~
UPDATE - CHANGE		

Body	

Delta 4016 | Minneapolis/St. Paul, Minnesota 3:19 pm | Bismarck, North Dakota 4:51 pm
Fri, February 11

~~Minneapolis/St. Paul, Minnesota 3:20 pm~~ | ~~Bismarck, North Dakota 4:51 pm~~

FLIGHT	SEAT	
Delta 3686	First Class	3A
Delta 3678	First Class	3A
Delta 3539	First Class	4A
Delta 4016	Main Cabin	8B

*Delta 3686 is operated by SkyWest DBA Delta Connection
*Delta 3678 is operated by SkyWest DBA Delta Connection
*Delta 3539 is operated by SkyWest DBA Delta Connection
*Delta 4016 is operated by SkyWest DBA Delta Connection

Want To Reschedule Or Cancel?

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View Trip Details >

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Record 166

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	□□ COVID-Testing May Be Required For Travel: Time To Prepare for Your Trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:40:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:40:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:40:47.000 AM

Body

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View as a Web Page

DELTA 15000489(l Medallion 5,273 Miles

COVID TESTING MAY BE REQUIRED FOR YOUR TRIP. CLICK TO SEE SPECIFIC ENTRY REQUIREMENTS ›

Confirmation #: **H2ANBP**

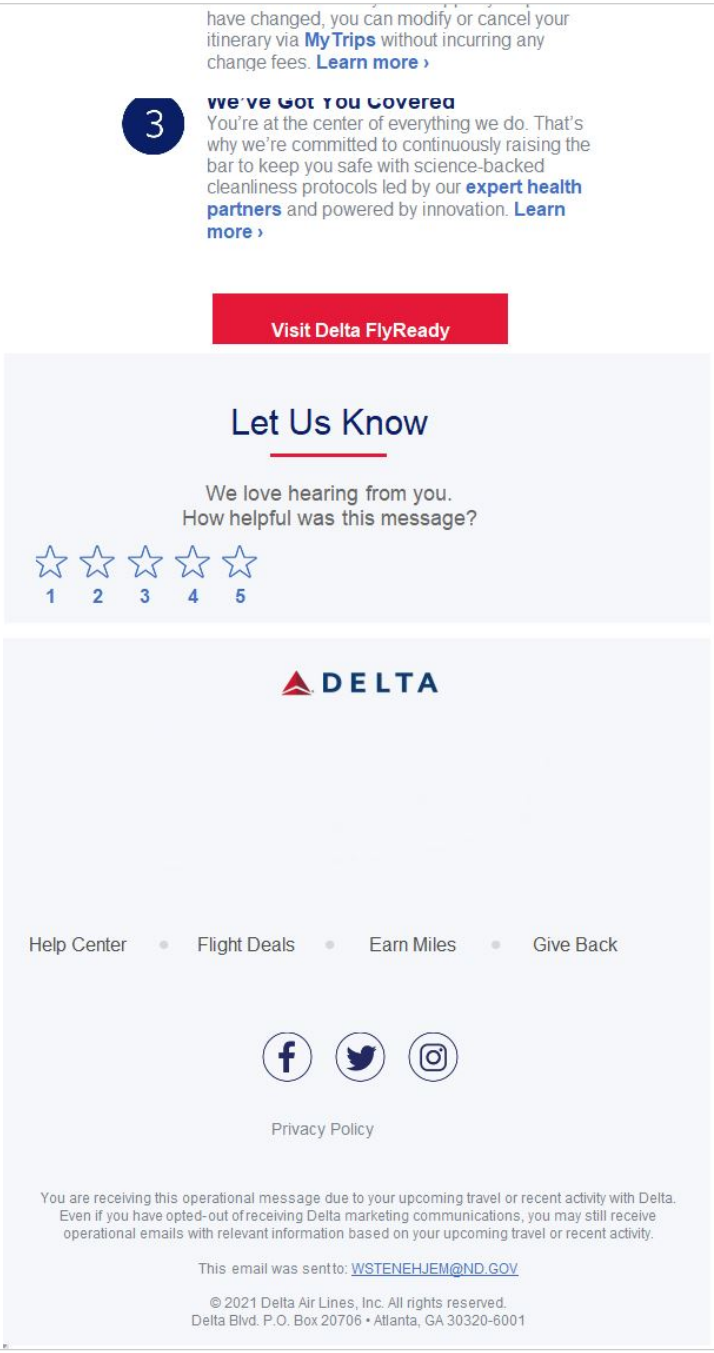
Your upcoming trip is quickly approaching, and we want to make sure you're prepared to fly. Here's what you need to do for your trip:

1 **Visit Delta FlyReady to review your destination's travel requirements and use the test or vaccine tool for early verification**

Many destinations have COVID-19 test, vaccine and/or quarantine requirements that will impact your trip. Visit **Delta FlyReady℠** to review your destination's entry requirements. Once you know what you need to travel, use one of the test and vaccine tools by entering your confirmation number to save time at check-in and have your test of vaccine verified prior to arriving at the airport.

2 **Let Us Know If Your Plans Have Changed**

Stay in control of your travel plans. We're making it easier to make changes yourself on delta.com and the Fly Delta app. If your plans

Body	

Record 167

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	□□ COVID-Testing May Be Required For Travel: Time To Prepare for Your Trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:40:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:40:43.000 AM
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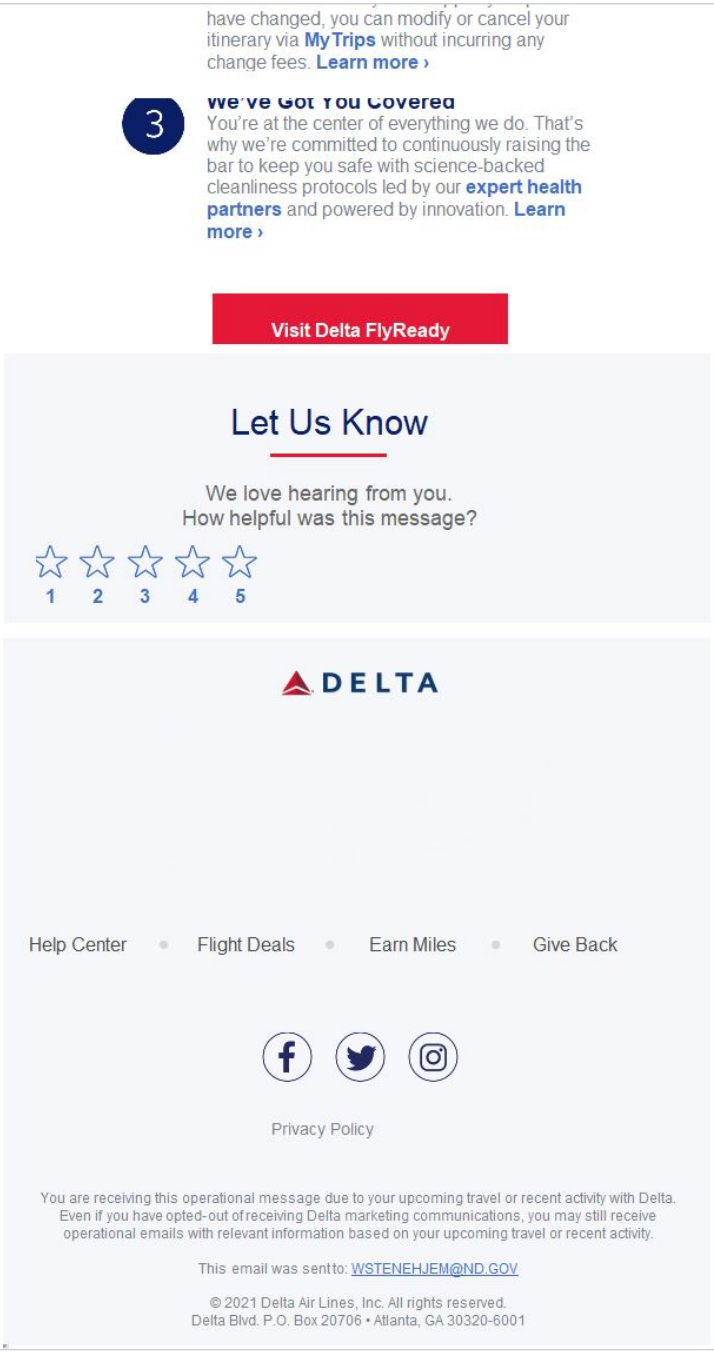
Body	

Record 168

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	Here's What You Need for Your Flight to the U.S. – Proof of Vaccination & Test Result
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 10:38:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 10:38:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 10:38:51.000 AM

Body

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Check Your eCredit Availability View as a Web Page

DELTA 15000489(Medallion® 4,123 Miles

Confirmation #: **H2ANBP**

Welcome back to the skies. We're looking forward to seeing you onboard soon for your flight to the U.S. Before you go, there are a few things you need to do.

Even though travel now may require you to pack a few more things than before, don't worry â€" **Delta FlyReady℠** makes uploading and verifying your test results and proof of vaccination easy, and we'll guide you through the steps so you can travel confidently with more peace of mind.

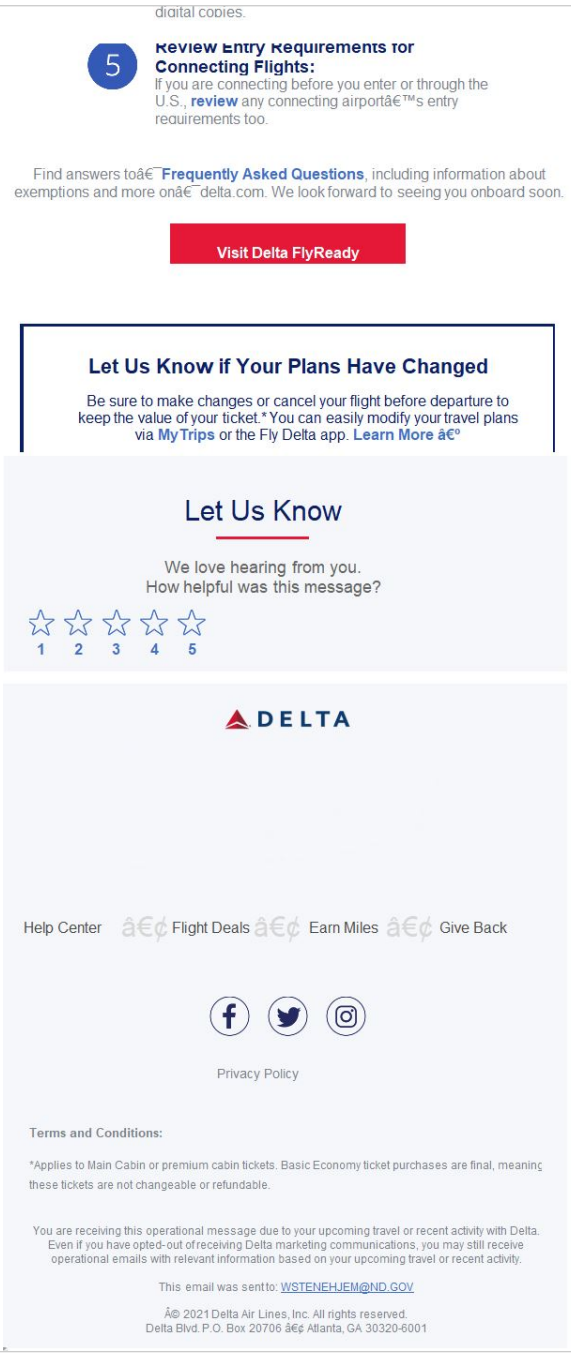
FIVE EASY STEPS BEFORE YOU GO

1 **Take a COVID-19 Test:**
Youâ€™ll need to take a COVID-19 viral test (molecular, nucleic acid amplification (NAAT), RT-PCR, TMA, LAMP, and antigen test accepted) within 1 day of your flightâ€™s departure to the U.S., regardless of citizenship or vaccination status. Needâ€¯help finding a convenient testing location? **Click here.**

2 **Visit Delta FlyReady℠ to upload and verify before you check-in:**
If you are eligible based on your destination, use the document and forms upload tools **by entering your confirmation number** to save time at check-in and have your documents verified prior to arriving at the airport.

3 **Donâ€™t Forget to Check Other Required Documents:**
Make sure that passports, visas and/or ESTAs are valid for entry into the U.S. too.

4 **Bring Your Test Resultsâ€¯and Proof of Vaccination:â€¯**
Throughout your trip, youâ€™ll need to show yourâ€¯negative COVID-19 testâ€¯result andâ€¯proof of vaccination,â€¯so donâ€™t forget to pack printed or

Body	

Record 169

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 10:38:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 10:38:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 10:38:51.000 AM

Body

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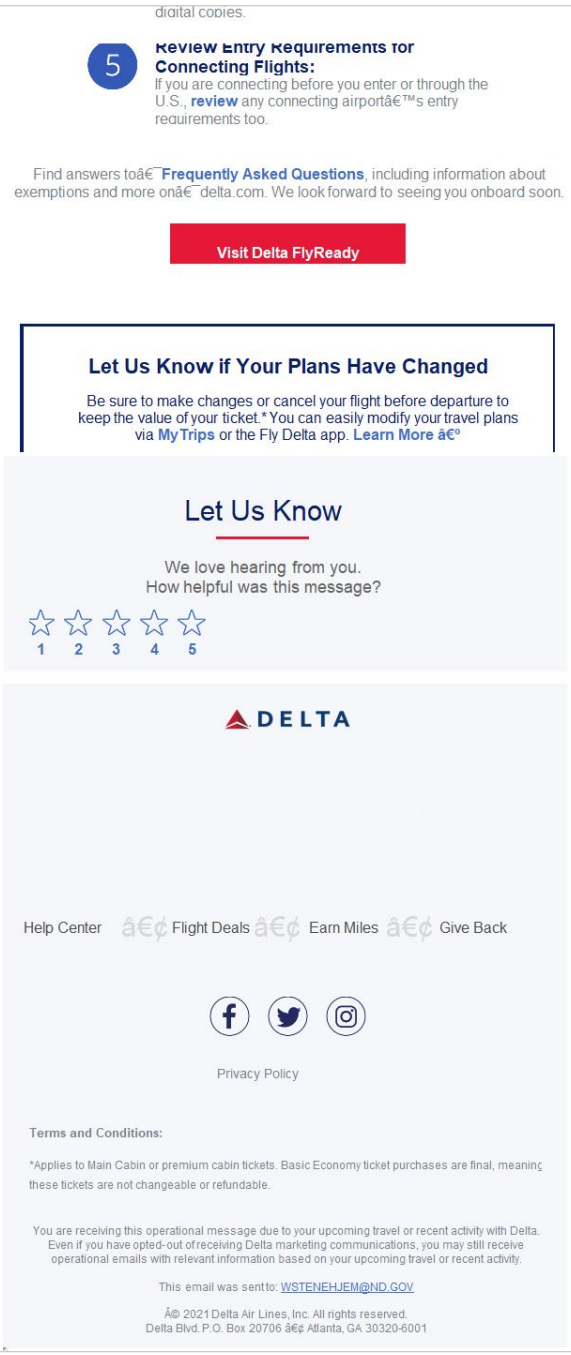
Body	

Record 170

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	A Message From Delta's Chief Customer Experience Officer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 8:33:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 8:33:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 8:33:40.000 AM

Body

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View as a Web Page

DELTA 150004890
Medallion
9,396 Miles

Dear Wayne,

It was inspiring to see so many of you booking travel for this holiday season to visit loved ones, reconnect with friends and celebrate together. And Delta's 75,000 employees across the globe – who together have worked to make us the world's most reliable airline – were ready and excited to deliver the service we're known for and get you where you needed to go. Unfortunately, a series of winter weather systems throughout the U.S. coupled with the rapidly spreading Omicron variant put extraordinary pressure on our operation, our employees and customers like you. It has been one of the most difficult operational environments we've ever faced, and it forced us to cancel hundreds of flights as a result.

We know you expect the best from Delta – and you should, and I want to apologize to everyone whose travel plans have been impacted. Canceling a flight is always Delta's last resort. It's not only difficult on you, but it's also hard on our people, who truly want nothing more than to take care of you – especially over the holidays. While our teams work around the clock to restore our operation and serve you, here are some things to keep in mind for your upcoming travels:

TAKING ACTION TO SUPPORT YOU

Our teams have been hard at work to support you and alleviate the difficulties of the challenging period, working to reroute and substitute aircraft and crews to get you on your way quickly and safely. When that hasn't been possible, our Reservation specialists work closely with our Operations and Customer Care Center to get those impacted onto the next available flight. In addition, we are notifying customers as early as possible of changes to their travel itineraries and **issuing travel waivers** ahead of winter weather forecasts. Delta has also focused on making travel more flexible – including removing change fees for most tickets, **extending Medallion Status** and key SkyMiles benefits into January 2023, and providing more ways for you to manage your trips from your own device.

UPDATED HEALTH GUIDANCE RELIEVES OPERATIONAL STRAIN

New CDC isolation and quarantine guidelines, which are based on the latest scientific research on the Omicron variant, are expected to help alleviate staffing pressure in the weeks ahead and smooth out operational difficulties. Our medical advisors, led by Delta Chief Health Officer Dr. Henry Ting

Body	Our medical advisors, led by Delta Chief Health Officer **Dr. Henry Ting** along with experts like **Dr. Carlos del Rio**, Distinguished Professor of Medicine in the Division of Infectious Diseases at Emory University School of Medicine, have shared that the majority of new cases, especially among those fully vaccinated, fortunately appear to be more mild than previous variants. However, Omicron is much more transmissible than previous variants, so we are grateful for your continued mask wearing on board as it proves to be an effective tool in virus mitigation and remains a federal requirement. **NEW TOOLS TO GIVE YOU MORE CONTROL** We've invested throughout 2021 in upgrading our digital tools to help you navigate the current environment with self-service options designed to save you time. That includes the ability to quickly change or cancel a flight, find baggage information, select your seat or request assistance with accessible travel via **delta.com** or the **Fly Delta app**. And if you're **flying internationally**, we've worked to remove the guesswork from health requirements with **Delta FlyReady℠**, offering the ability to upload and verify government forms, proof of vaccination and negative COVID-19 testing for many destinations. As the world manages through these uncertain days, please know that all of us at Delta are committed to delivering the world-class safety, service and reliability you have come to expect from us. With grit, determination and dedication, our team has overcome numerous challenges since the pandemic began, and you have my commitment that we'll continue to take care of you as we work to deliver the seamless and enjoyable experience you expect and deserve when you travel with Delta. In the meantime, our thoughts are with everyone experiencing the virus firsthand. Please stay safe and take care. Thank you for your business and loyalty. We look forward to seeing you on board. Sincerely, **Allison Ausband** E.V.P. and Chief Customer Experience Officer DELTA Help Center • Flight Deals • Earn Miles • Give Back Privacy Policy You are receiving this operational message due to your upcoming travel or recent activity with Delta. Even if you have opted-out of receiving Delta marketing communications, you may still receive operational emails with relevant information based on your upcoming travel or recent activity. This email was sent to: WSTENEHJEM@ND.GOV © 2022 Delta Air Lines, Inc. All rights reserved. Delta Blvd. P.O. Box 20706 • Atlanta, GA 30320-6001

Record 171

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	A Message From Delta's Chief Customer Experience Officer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 8:33:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 8:33:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 8:33:40.000 AM

Body

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View as a Web Page

DELTA 150004890
Medallion
9,396 Miles

Dear Wayne,

It was inspiring to see so many of you booking travel for this holiday season to visit loved ones, reconnect with friends and celebrate together. And Delta's 75,000 employees across the globe – who together have worked to make us the world's most reliable airline – were ready and excited to deliver the service we're known for and get you where you needed to go. Unfortunately, a series of winter weather systems throughout the U.S. coupled with the rapidly spreading Omicron variant put extraordinary pressure on our operation, our employees and customers like you. It has been one of the most difficult operational environments we've ever faced, and it forced us to cancel hundreds of flights as a result.

We know you expect the best from Delta – and you should, and I want to apologize to everyone whose travel plans have been impacted. Canceling a flight is always Delta's last resort. It's not only difficult on you, but it's also hard on our people, who truly want nothing more than to take care of you – especially over the holidays. While our teams work around the clock to restore our operation and serve you, here are some things to keep in mind for your upcoming travels:

TAKING ACTION TO SUPPORT YOU

Our teams have been hard at work to support you and alleviate the difficulties of the challenging period, working to reroute and substitute aircraft and crews to get you on your way quickly and safely. When that hasn't been possible, our Reservation specialists work closely with our Operations and Customer Care Center to get those impacted onto the next available flight. In addition, we are notifying customers as early as possible of changes to their travel itineraries and **issuing travel waivers** ahead of winter weather forecasts. Delta has also focused on making travel more flexible – including removing change fees for most tickets, **extending Medallion Status** and key SkyMiles benefits into January 2023, and providing more ways for you to manage your trips from your own device.

UPDATED HEALTH GUIDANCE RELIEVES OPERATIONAL STRAIN

New CDC isolation and quarantine guidelines, which are based on the latest scientific research on the Omicron variant, are expected to help alleviate staffing pressure in the weeks ahead and smooth out operational difficulties. Our medical advisors, led by Delta Chief Health Officer Dr. Henry Ting

Body	Our medical advisors, led by Delta Chief Health Officer **Dr. Henry Ting** along with experts like **Dr. Carlos del Rio,** Distinguished Professor of Medicine in the Division of Infectious Diseases at Emory University School of Medicine, have shared that the majority of new cases, especially among those fully vaccinated, fortunately appear to be more mild than previous variants. However, Omicron is much more transmissible than previous variants, so we are grateful for your continued mask wearing on board as it proves to be an effective tool in virus mitigation and remains a federal requirement. **NEW TOOLS TO GIVE YOU MORE CONTROL** We've invested throughout 2021 in upgrading our digital tools to help you navigate the current environment with self-service options designed to save you time. That includes the ability to quickly change or cancel a flight, find baggage information, select your seat or request assistance with accessible travel via **delta.com** or the **Fly Delta app**. And if you're **flying internationally**, we've worked to remove the guesswork from health requirements with **Delta FlyReady℠**, offering the ability to upload and verify government forms, proof of vaccination and negative COVID-19 testing for many destinations. As the world manages through these uncertain days, please know that all of us at Delta are committed to delivering the world-class safety, service and reliability you have come to expect from us. With grit, determination and dedication, our team has overcome numerous challenges since the pandemic began, and you have my commitment that we'll continue to take care of you as we work to deliver the seamless and enjoyable experience you expect and deserve when you travel with Delta. In the meantime, our thoughts are with everyone experiencing the virus firsthand. Please stay safe and take care. Thank you for your business and loyalty. We look forward to seeing you on board. Sincerely, **Allison Ausband** E.V.P. and Chief Customer Experience Officer DELTA Help Center • Flight Deals • Earn Miles • Give Back Privacy Policy You are receiving this operational message due to your upcoming travel or recent activity with Delta. Even if you have opted-out of receiving Delta marketing communications, you may still receive operational emails with relevant information based on your upcoming travel or recent activity. This email was sent to: WSTENEHJEM@ND.GOV © 2022 Delta Air Lines, Inc. All rights reserved. Delta Blvd. P.O. Box 20706 • Atlanta, GA 30320-6001

Record 172

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your eCredit Extension
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:23:18.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:23:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:23:19.000 AM

Body

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View as a Web Page

DELTA 150004890
Medallion®
9,396 Miles

Now Use Your eCredits Through December 31, 2023

We want to ensure you have peace of mind when booking and rebooking your trips with Delta this year. Thatâ€™s why weâ€™re giving you even more flexibility as you plan your next trip. Your eCredits will be extended through December 31, 2023, for travel throughout 2024. Youâ€™ll continue to enjoy added **booking flexibility** with no change fees on Main Cabin and premium tickets.

Donâ€™t worry if you arenâ€™t seeing the new expiration date on your eCredit documents. It will take us some time to update our system, but rest assured you can continue to book tickets for travel anytime in 2022 or 2023 with your existing eCredits.

When you are ready to use your eCredit, it's easy to redeem at **delta.com/redeem** or the **Fly Delta app**. We look forward to welcoming you back on board.

Redeem Your eCredits

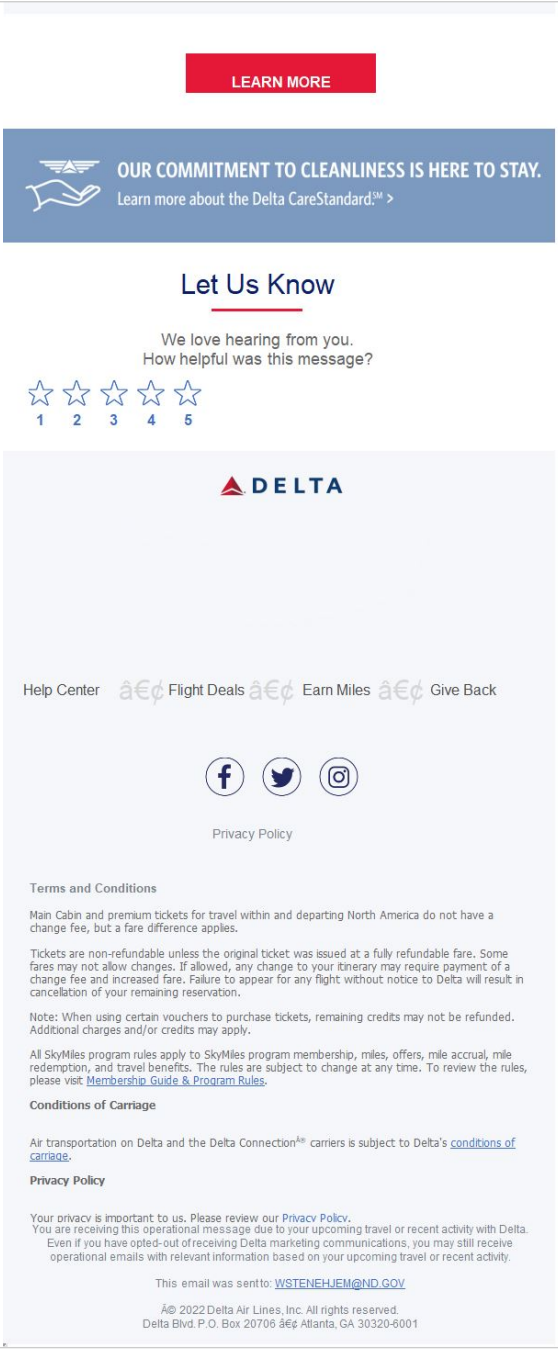
Itâ€™s simple to redee your eCredits on delta.com in a few eas steps. Visit our guide fc instructions on how to redeem.
Redeem Now â€º

Plan Your Next Adventure

Explore your options ar see the latest travel requirements in our Travel Planning Cente with the Delta Discove Map.
Start Planning â€º

Easily Manage You Trip

It's easy to manage you trip and redeem your eCredits in the Fly Delt App.
Download the App â€

Body	

Record 173

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your eCredit Extension
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:23:18.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:23:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:23:19.000 AM

Body

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View as a Web Page

DELTA 150004890
Medallion®
9,396 Miles

Now Use Your eCredits Through December 31, 2023

We want to ensure you have peace of mind when booking and rebooking your trips with Delta this year. Thatâ€™s why weâ€™re giving you even more flexibility as you plan your next trip. Your eCredits will be extended through December 31, 2023, for travel throughout 2024. Youâ€™ll continue to enjoy added **booking flexibility** with no change fees on Main Cabin and premium tickets.

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When you are ready to use your eCredit, it's easy to redeem at **delta.com/redeem** or the **Fly Delta app**. We look forward to welcoming you back on board.

Redeem Your eCredits

Itâ€™s simple to redee your eCredits on delta.com in a few eas steps. Visit our guide fc instructions on how to redeem.

Redeem Now â€º

Plan Your Next Adventure

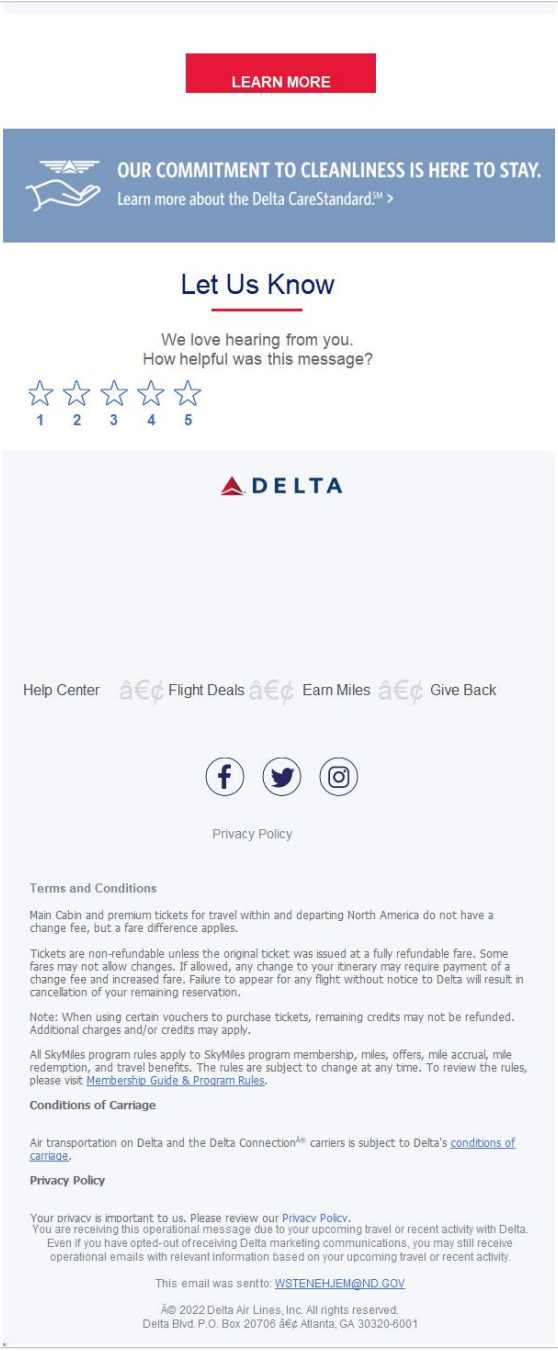
Explore your options ar see the latest travel requirements in our Travel Planning Cente with the Delta Discove Map.

Start Planning â€º

Easily Manage You Trip

It's easy to manage you trip and redeem your eCredits in the Fly Delt App.

Download the App â€

Body	

Record 174

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@o.delta.com
Recipients	wstenehjem@nd.gov
Subject	Make The Most Of Your 2022 Diamond Medallion® Status
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 3:01:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 3:01:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 3:01:15.000 PM

Body

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Check Your eCredit Availability View as a Web Page

DELTA 15000489(Medallion® 2,238 Miles

Wayne, Explore The Diamond Medallion^A® Experience You Can Expect This Year

When youâ€™re ready to take off, youâ€™ll experience the Medallion difference with extended Diamond Medallion Status through January 31, 2023â€“our thank-you for your loyalty to Delta. Explore how your Status will help you get the most from every adventure this year.

Keep Your 2021 Medallion Qualification Miles (MQMs)

Enjoy a jump start on earning toward 2023 Status. Your 2021 balance of 266,090 MQMs has rolled over to 2022.

Learn More About This Delta Exclusive Benefit â€º

Get There With Miles

Your miles with Delta are valuable. Not only can you redeem miles youâ€™ve earned toward Award Travel, but for 2022, those award trips will help you earn MQMs, Medallion Qualification Segments (MQSs), and Medallion Qualification Dollars (MQDs) toward 2023 Status.

More Ways To Use Miles â€º

The Best Seat, Your Way

Upgrade on your terms. Have more control with upgrades by choosing your seat selection.

Get To Know Upgrades â€º

Your Status is Always with

Body

You can view your digital Medallion Credentials any time by visiting the My Wallet section of the Fly Delta App.

View My Membership Card â€º

Donâ€™t forget, as a Diamond Medallion Member, you also get access to great benefits like the highest priority for Unlimited Complimentary Upgrades, complimentary CLEAR membership, a VIP phone line and more.

Please note that Choice Benefits are not an extended Medallion℠ Status benefit this year.

EXPLORE YOUR BENEFITS

Let Us Know

We love hearing from you.
How helpful was this message?

☆ ☆ ☆ ☆ ☆
1 2 3 4 5

DELTA

Help Center â€¢ Flight Deals â€¢ Earn Miles â€¢ Give Back

Privacy Policy

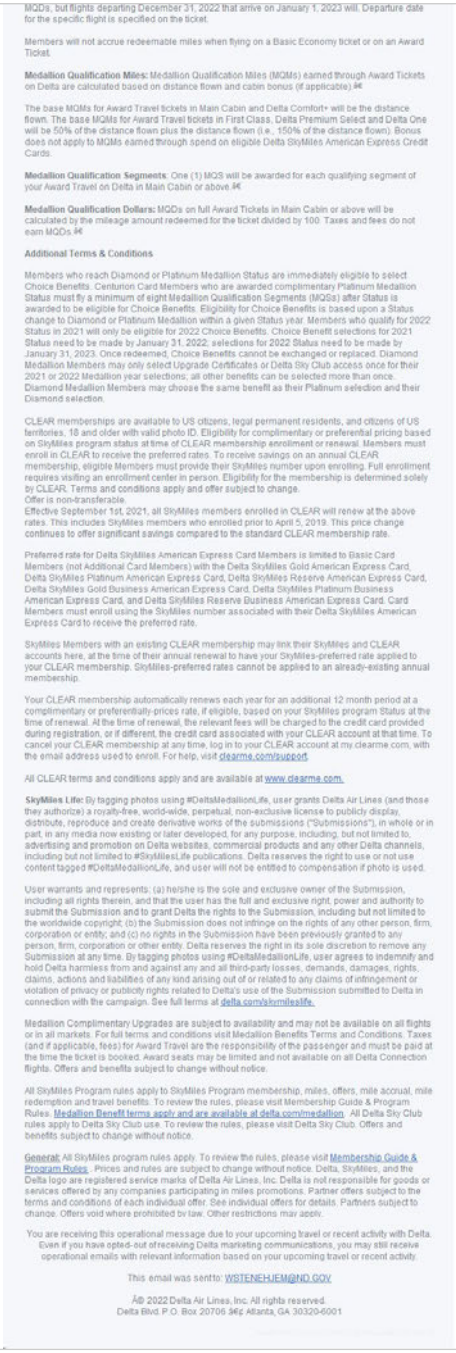
Terms and Conditions

Award Travel: Promotional accrual of Medallion Qualification Miles (MQMs), Medallion Qualification Segments (MQSs) and Medallion Qualification Dollars (MQDs) for Award Travel flights marketed and operated by Delta.

Promotional Period: April 1, 2021 â€“ December 31, 2022

Offer: SkyMiles Members (â€œMembersâ€) will earn Medallion Qualification Miles (MQMs), Medallion Qualification Segments (MQSs) and Medallion Qualification Dollars (MQDs) for Award Travel flights that are both marketed (flight number begins with â€˜DLâ€™) and operated by Delta Air Lines, Delta Connection℠ carriers or Delta Shuttle℠ (â€œDelta Carriersâ€™) and are flown during the Promotional Period. Only qualifying activity (as defined below) will be eligible for the bonuses.

Qualifying Activity: Qualifying flight activity includes Award Tickets, Miles + Cash Tickets, Pay with Miles tickets, post-purchase upgrades and flights book as a part of a Delta Vacations℠ package, but does not include travel on partner airlines (even if marketed by Delta), exception fares (not including Delta Vacations), Award redemptions on non-air products or fees. MQMs, MQSs and MQDs are earned by the Member who is flying, regardless of who booked or redeemed miles for the ticket, and are awarded after the ticket is flown. Promotional Period is calculated based on the day the flight departs; flights departing March 31, 2021 (arriving April 1) will not earn MQMs, MQSs, and

Body	

MQDs, but flights departing December 31, 2022 that arrive on January 1, 2023 will. Departure date for the specific flight is specified on the ticket.

Members will not accrue redeemable miles when flying on a Basic Economy ticket or on an Award Ticket.

Medallion Qualification Miles: Medallion Qualification Miles (MQMs) earned through Award Tickets on Delta are calculated based on distance flown and cabin bonus (if applicable).â€¢

The base MQMs for Award Travel tickets in Main Cabin and Delta Comfort+ will be the distance flown. The base MQMs for Award Travel tickets in First Class, Delta Premium Select and Delta One will be 50% of the distance flown plus the distance flown (i.e., 150% of the distance flown). Bonus does not apply to MQMs earned through spend on eligible Delta SkyMiles American Express Credit Cards.

Medallion Qualification Segments: One (1) MQS will be awarded for each qualifying segment of your Award Travel on Delta in Main Cabin or above.â€¢

Medallion Qualification Dollars: MQDs on full Award Tickets in Main Cabin or above will be calculated by the mileage amount redeemed for the ticket divided by 100. Taxes and fees do not earn MQDs.â€¢

Additional Terms & Conditions

Members who reach Diamond or Platinum Medallion Status are immediately eligible to select Choice Benefits. Centurion Card Members who are awarded complimentary Platinum Medallion Status must fly a minimum of eight Medallion Qualification Segments (MQSs) after Status is awarded to be eligible for Choice Benefits. Eligibility for Choice Benefits is based upon a Status change to Diamond or Platinum Medallion within a given Status year. Members who qualify for 2022 Status in 2021 will only be eligible for 2022 Choice Benefits. Choice Benefit selections for 2021 Status need to be made by January 31, 2022; selections for 2022 Status need to be made by January 31, 2023. Once redeemed, Choice Benefits cannot be exchanged or replaced. Diamond Medallion Members may only select Upgrade Certificates or Delta Sky Club access once for their 2021 or 2022 Medallion year selections; all other benefits can be selected more than once. Diamond Medallion Members may choose the same benefit as their Platinum selection and their Diamond selection.

CLEAR memberships are available to US citizens, legal permanent residents, and citizens of US territories, 18 and older with valid photo ID. Eligibility for complimentary or preferential pricing based on SkyMiles program status at time of CLEAR membership enrollment or renewal. Members must enroll in CLEAR to receive the preferred rates. To receive savings on an annual CLEAR membership, eligible Members must provide their SkyMiles number upon enrolling. Full enrollment requires visiting an enrollment center in person. Eligibility for the membership is determined solely by CLEAR. Terms and conditions apply and offer subject to change.
Offer is non-transferable.
Effective September 1st, 2021, all SkyMiles members enrolled in CLEAR will renew at the above rates. This includes SkyMiles members who enrolled prior to April 5, 2019. This price change continues to offer significant savings compared to the standard CLEAR membership rate.

Preferred rate for Delta SkyMiles American Express Card Members is limited to Basic Card Members (not Additional Card Members) with the Delta SkyMiles Gold American Express Card, Delta SkyMiles Platinum American Express Card, Delta SkyMiles Reserve American Express Card, Delta SkyMiles Gold Business American Express Card, Delta SkyMiles Platinum Business American Express Card, and Delta SkyMiles Reserve Business American Express Card. Card Members must enroll using the SkyMiles number associated with their Delta SkyMiles American Express Card to receive the preferred rate.

SkyMiles Members with an existing CLEAR membership may link their SkyMiles and CLEAR accounts here, at the time of their annual renewal to have your SkyMiles-preferred rate applied to your CLEAR membership. SkyMiles-preferred rates cannot be applied to an already-existing annual membership.

Your CLEAR membership automatically renews each year for an additional 12 month period at a complimentary or preferentially-prices rate, if eligible, based on your SkyMiles program Status at the time of renewal. At the time of renewal, the relevant fees will be charged to the credit card provided during registration, or if different, the credit card associated with your CLEAR account at that time. To cancel your CLEAR membership at any time, log in to your CLEAR account at my.clearme.com, with the email address used to enroll. For help, visit clearme.com/support.

All CLEAR terms and conditions apply and are available at www.clearme.com.

SkyMiles Life: By tagging photos using #DeltaMedallionLife, user grants Delta Air Lines (and those they authorize) a royalty-free, world-wide, perpetual, non-exclusive license to publicly display, distribute, reproduce and create derivative works of the submissions ("Submissions"), in whole or in part, in any media now existing or later developed, for any purpose, including, but not limited to, advertising and promotion on Delta websites, commercial products and any other Delta channels, including but not limited to #SkyMilesLife publications. Delta reserves the right to use or not use content tagged #DeltaMedallionLife, and user will not be entitled to compensation if photo is used.

User warrants and represents: (a) he/she is the sole and exclusive owner of the Submission, including all rights therein, and that the user has the full and exclusive right, power and authority to submit the Submission and to grant Delta the rights to the Submission, including but not limited to the worldwide copyright; (b) the Submission does not infringe on the rights of any other person, firm, corporation or entity; and (c) no rights in the Submission have been previously granted to any person, firm, corporation or other entity. Delta reserves the right in its sole discretion to remove any Submission at any time. By tagging photos using #DeltaMedallionLife, user agrees to indemnify and hold Delta harmless from and against any and all third-party losses, demands, damages, rights, claims, actions and liabilities of any kind arising out of or related to any claims of infringement or violation of privacy or publicity rights related to Delta's use of the Submission submitted to Delta in connection with the campaign. See full terms at delta.com/skymileslife.

Medallion Complimentary Upgrades are subject to availability and may not be available on all flights or in all markets. For full terms and conditions visit Medallion Benefits Terms and Conditions. Taxes (and if applicable, fees) for Award Travel are the responsibility of the passenger and must be paid at the time the ticket is booked. Award seats may be limited and not available on all Delta Connection flights. Offers and benefits subject to change without notice.

All SkyMiles Program rules apply to SkyMiles Program membership, miles, offers, mile accrual, mile redemption and travel benefits. To review the rules, please visit Membership Guide & Program Rules. Medallion Benefit terms apply and are available at delta.com/medallion. All Delta Sky Club rules apply to Delta Sky Club use. To review the rules, please visit Delta Sky Club. Offers and benefits subject to change without notice.

General: All SkyMiles program rules apply. To review the rules, please visit Membership Guide & Program Rules. Prices and rules are subject to change without notice. Delta, SkyMiles, and the Delta logo are registered service marks of Delta Air Lines, Inc. Delta is not responsible for goods or services offered by any companies participating in miles promotions. Partner offers subject to the terms and conditions of each individual offer. See individual offers for details. Partners subject to change. Offers void where prohibited by law. Other restrictions may apply.

You are receiving this operational message due to your upcoming travel or recent activity with Delta. Even if you have opted-out of receiving Delta marketing communications, you may still receive operational emails with relevant information based on your upcoming travel or recent activity.

This email was sentto: WSTENEHJEM@ND.GOV

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Delta Blvd. P.O. Box 20706 â€¢ Atlanta, GA 30320-6001

Record 175

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	You've Earned MQMs With Your Card
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 4:06:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 4:06:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 4:06:51.000 AM

Body

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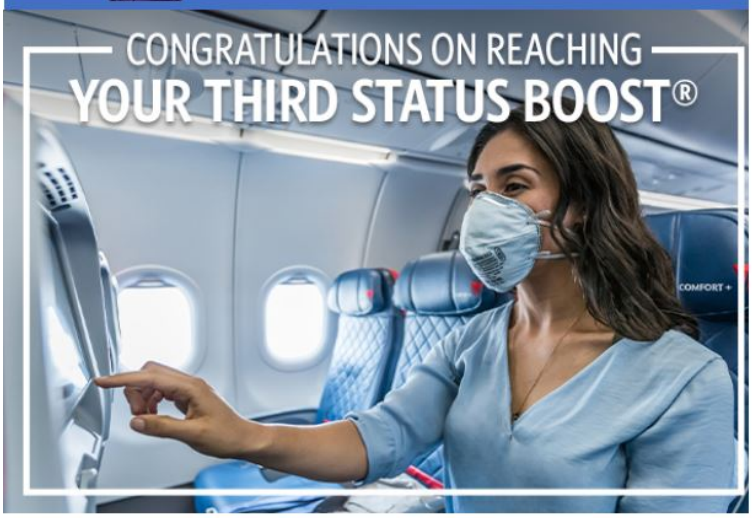
View as a Web Pag

DELTA 150004890
Medallion
2,875 Miles



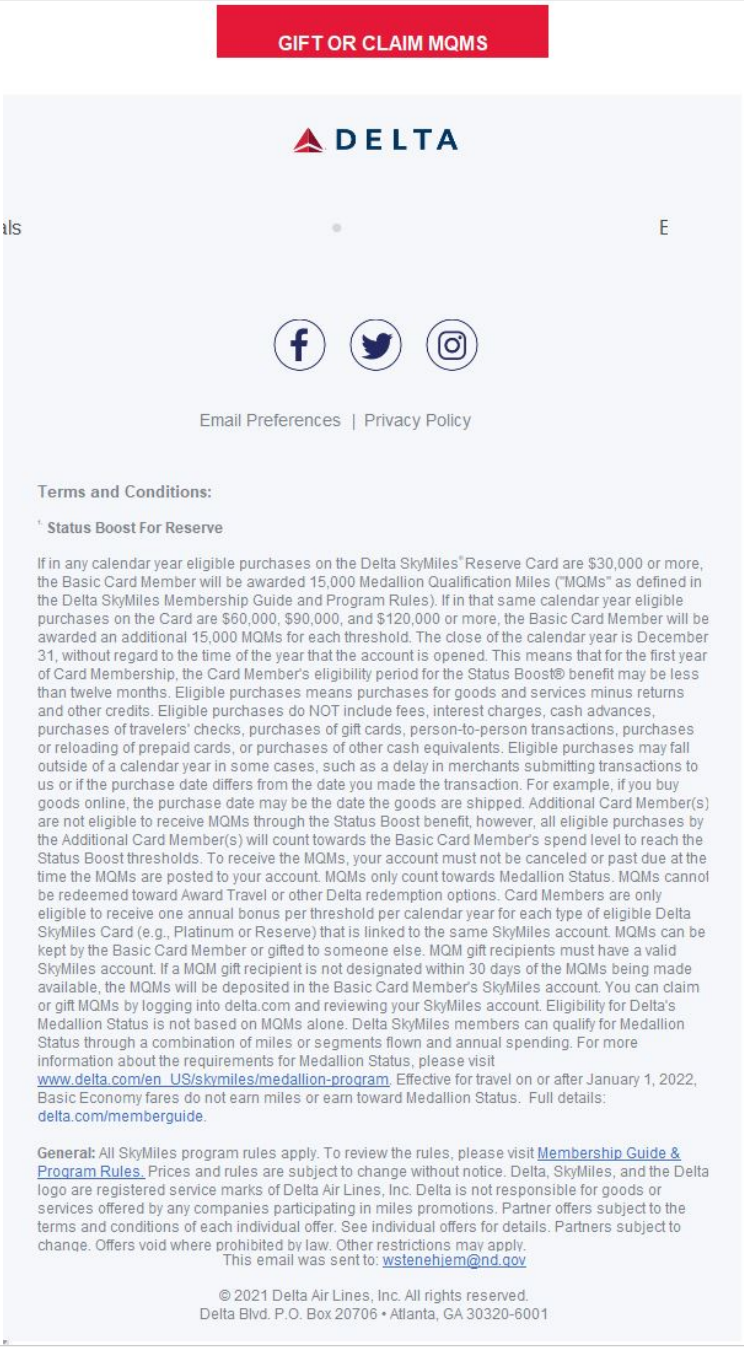
Congratulations on reaching your third of four Status Boosts this year. You've earned **Medallion® Qualification Miles (MQMs)** for spending on your Delta SkyMiles® Reserve American Express Card.[1]

Choose how you want to use them:

Keep Your Status Soaring
Visit your SkyMiles account to claim your MQMs. MQMs can help you earn or elevate your Medallion Status.

OR

Make Someone's Day
You can gift your MQMs to a loved one or friend by depositing them into their account within 30 days. If a recipient is not chosen within 30 days, we will automatically add the MQMs to your account.

Body	

Record 176

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your BIS > MBJ Trip Details
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 12:31:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 12:31:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 12:31:50.000 PM

Body

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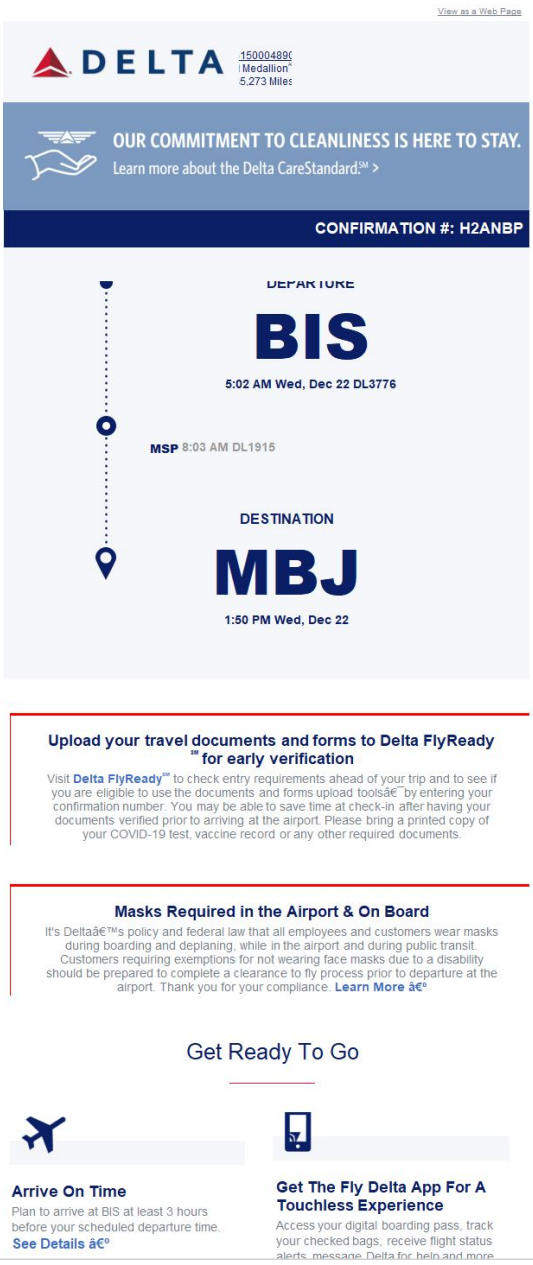
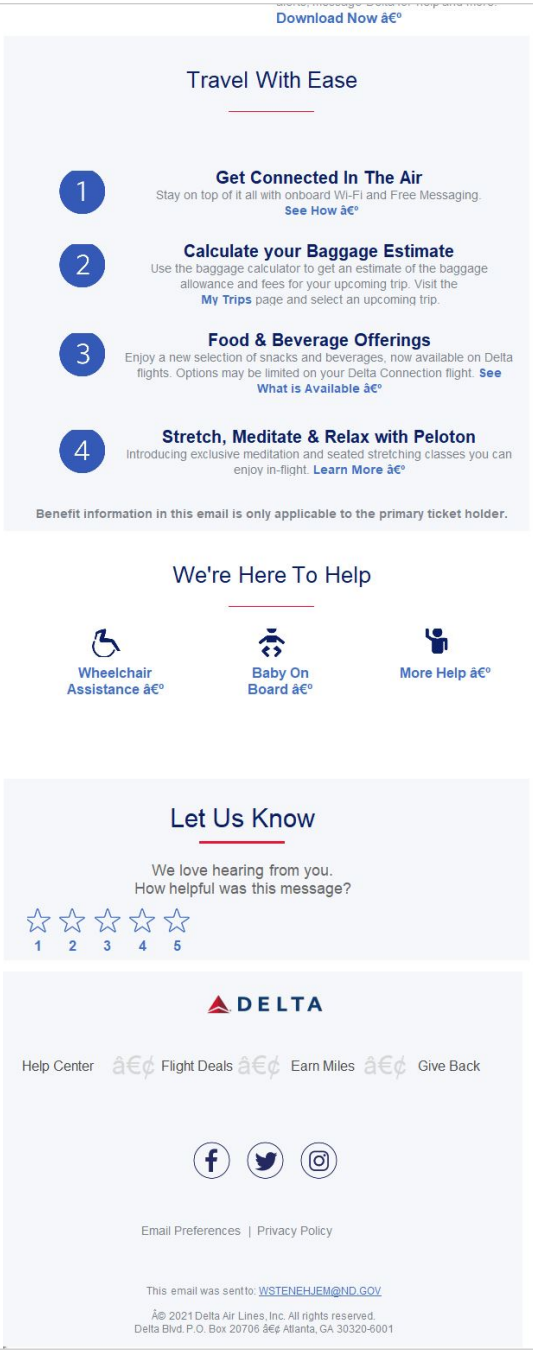


Body	

Record 177

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your BIS > MBJ Trip Details
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 12:31:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 12:31:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 12:31:50.000 PM

Body

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DELTA 15000489(Medallion® 5,273 Miles

OUR COMMITMENT TO CLEANLINESS IS HERE TO STAY.
Learn more about the Delta CareStandard.℠ >

CONFIRMATION #: H2ANBP

DEPARTURE

BIS

5:02 AM Wed, Dec 22 DL3776

MSP 8:03 AM DL1915

DESTINATION

MBJ

1:50 PM Wed, Dec 22

Upload your travel documents and forms to Delta FlyReady℠ for early verification

Visit Delta FlyReady℠ to check entry requirements ahead of your trip and to see if you are eligible to use the documents and forms upload toolsâ€¯by entering your confirmation number. You may be able to save time at check-in after having your documents verified prior to arriving at the airport. Please bring a printed copy of your COVID-19 test, vaccine record or any other required documents.

Masks Required in the Airport & On Board

It's Deltaâ€™s policy and federal law that all employees and customers wear masks during boarding and deplaning, while in the airport and during public transit. Customers requiring exemptions for not wearing face masks due to a disability should be prepared to complete a clearance to fly process prior to departure at the airport. Thank you for your compliance. Learn More â€º

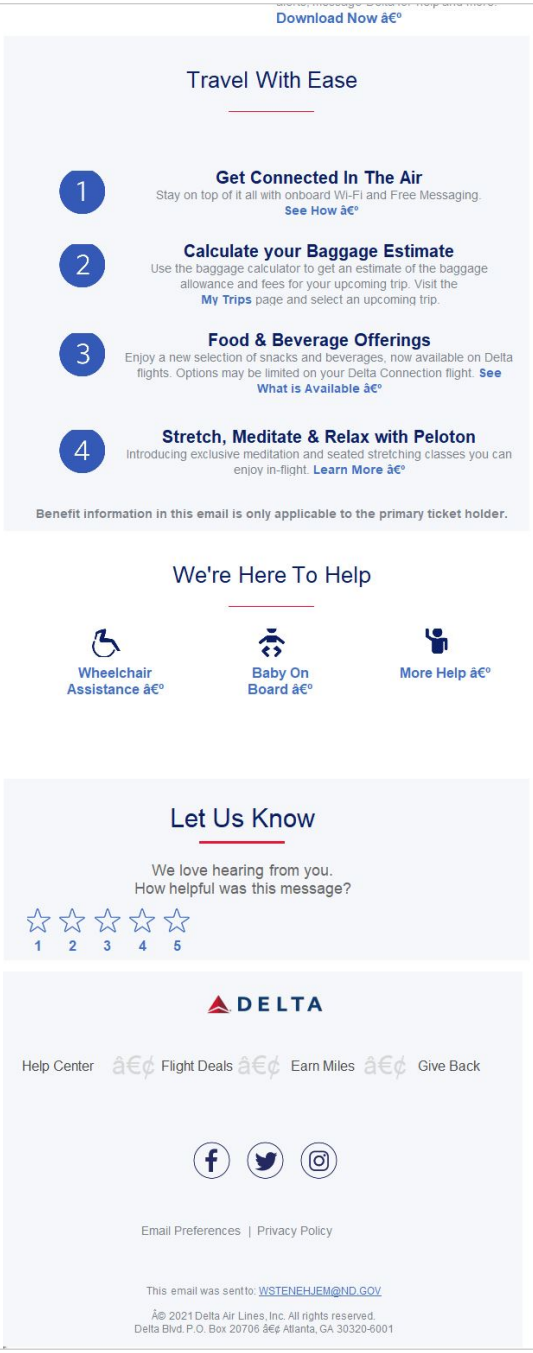
Get Ready To Go

Arrive On Time

Plan to arrive at BIS at least 3 hours before your scheduled departure time.
See Details â€º

Get The Fly Delta App For A Touchless Experience

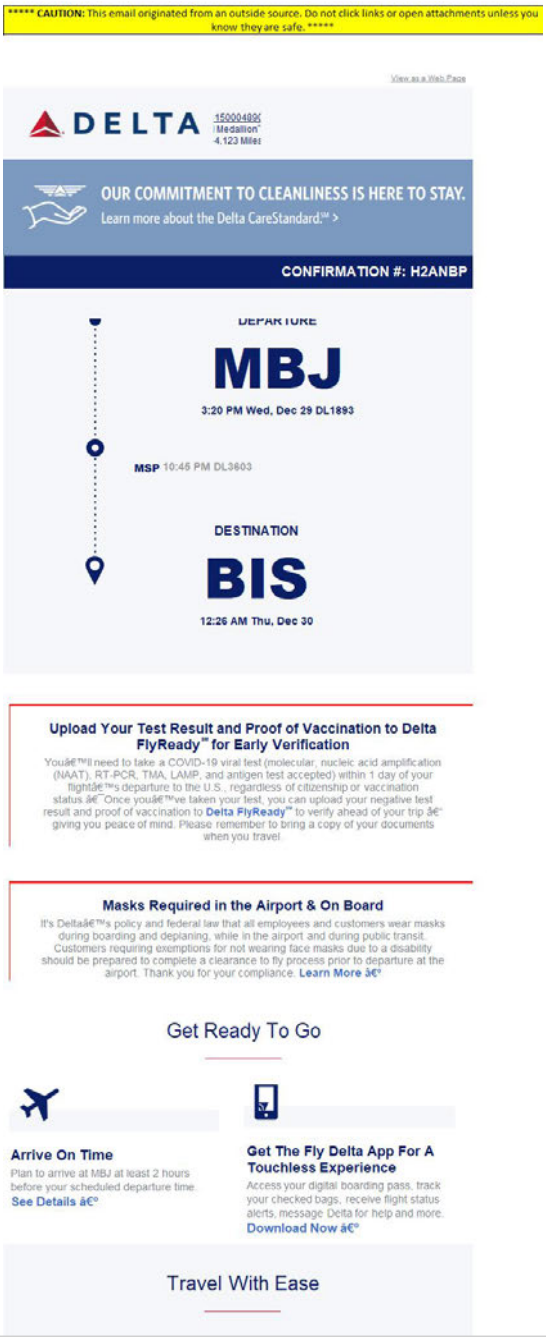
Access your digital boarding pass, track your checked bags, receive flight status alerts, message Delta for help and more

Body	

Record 178

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your MBJ > BIS Trip Details
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 12:28:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 12:28:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 12:28:38.000 PM

Body



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DELTA 15000490(Medallion 4,123 Miles

OUR COMMITMENT TO CLEANLINESS IS HERE TO STAY.
Learn more about the Delta CareStandard.℠ >

CONFIRMATION #: H2ANBP

DEPARTURE

MBJ

3:20 PM Wed, Dec 29 DL1893

MSP 10:45 PM DL3603

DESTINATION

BIS

12:26 AM Thu, Dec 30

Upload Your Test Result and Proof of Vaccination to Delta FlyReady℠ for Early Verification

Youâ€™ll need to take a COVID-19 viral test (molecular, nucleic acid amplification (NAAT), RT-PCR, TMA, LAMP, and antigen test accepted) within 1 day of your flightâ€™s departure to the U.S., regardless of citizenship or vaccination status. â€¯Once youâ€™ve taken your test, you can upload your negative test result and proof of vaccination to Delta FlyReady℠ to verify ahead of your trip â€¯giving you peace of mind. Please remember to bring a copy of your documents when you travel.

Masks Required in the Airport & On Board

It's Deltaâ€™s policy and federal law that all employees and customers wear masks during boarding and deplaning, while in the airport and during public transit. Customers requiring exemptions for not wearing face masks due to a disability should be prepared to complete a clearance to fly process prior to departure at the airport. Thank you for your compliance. Learn More â€º

Get Ready To Go

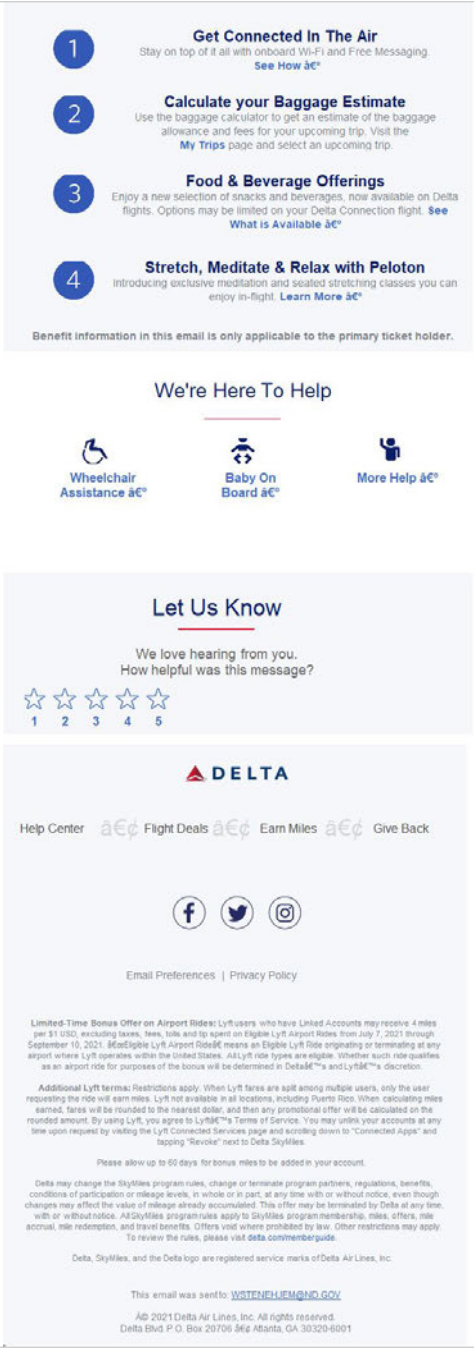
Arrive On Time

Plan to arrive at MBJ at least 2 hours before your scheduled departure time.
See Details â€º

Get The Fly Delta App For A Touchless Experience

Access your digital boarding pass, track your checked bags, receive flight status alerts, message Delta for help and more.
Download Now â€º

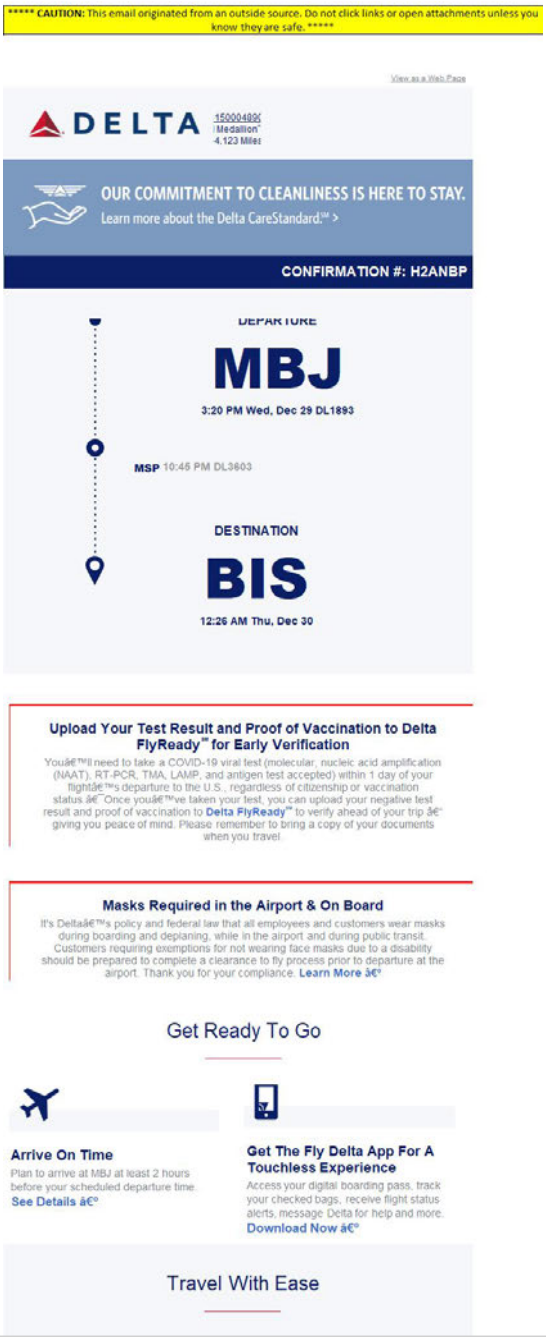
Travel With Ease

Body	

Record 179

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your MBJ > BIS Trip Details
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 12:28:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 12:28:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 12:28:38.000 PM

Body



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View as a Web Page

DELTA 15000490(Medallion® 4,123 Miles

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CONFIRMATION #: H2ANBP

DEPARTURE

MBJ

3:20 PM Wed, Dec 29 DL1893

MSP 10:45 PM DL3603

DESTINATION

BIS

12:26 AM Thu, Dec 30

Upload Your Test Result and Proof of Vaccination to Delta FlyReady℠ for Early Verification

Youâ€™ll need to take a COVID-19 viral test (molecular, nucleic acid amplification (NAAT), RT-PCR, TMA, LAMP, and antigen test accepted) within 1 day of your flightâ€™s departure to the U.S., regardless of citizenship or vaccination status. â€¯Once youâ€™ve taken your test, you can upload your negative test result and proof of vaccination to Delta FlyReady℠ to verify ahead of your trip â€¯giving you peace of mind. Please remember to bring a copy of your documents when you travel.

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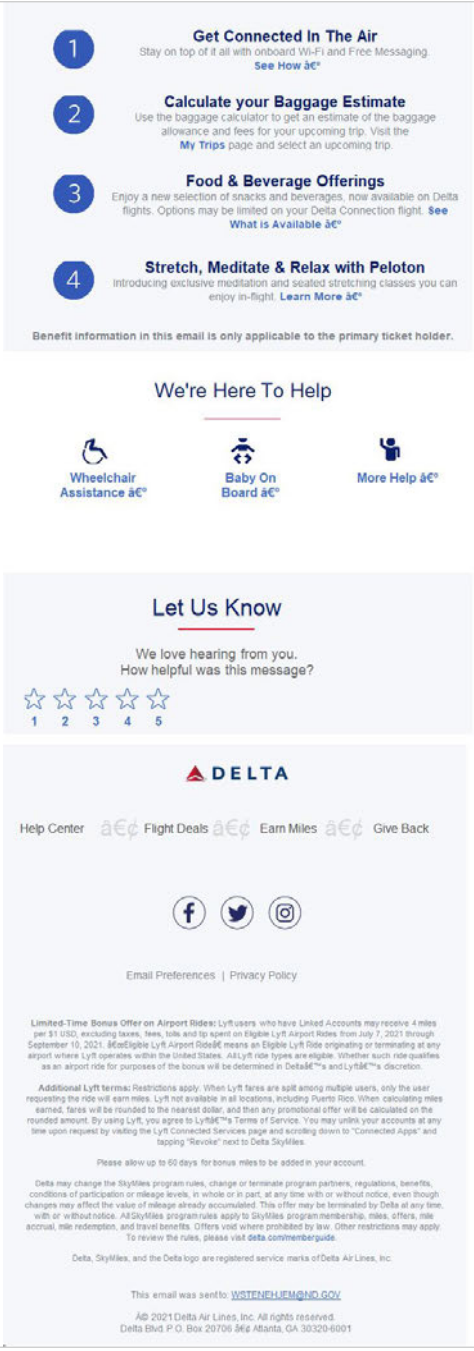
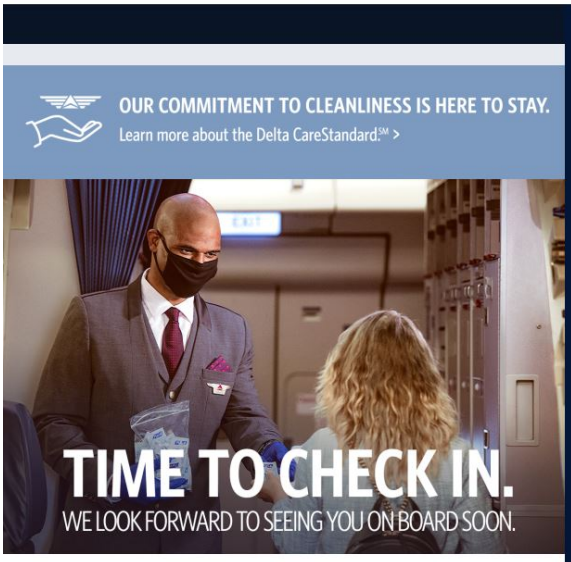
Body	

Record 180

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	It's Almost Time For Your Flight
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:21:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:21:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:21:51.000 PM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****



Before you do that, make sure your test and proof of vaccination are uploaded for early verification and easy check-in with Delta FlyReady℠ â€“ designed to help take the guesswork out of international travel.

If You Are Not Able To Check In Online

Please arrive early and stop by a check-in counter at the airport. If you need to make a same-day ticket change or other changes to your trip, review your options here.

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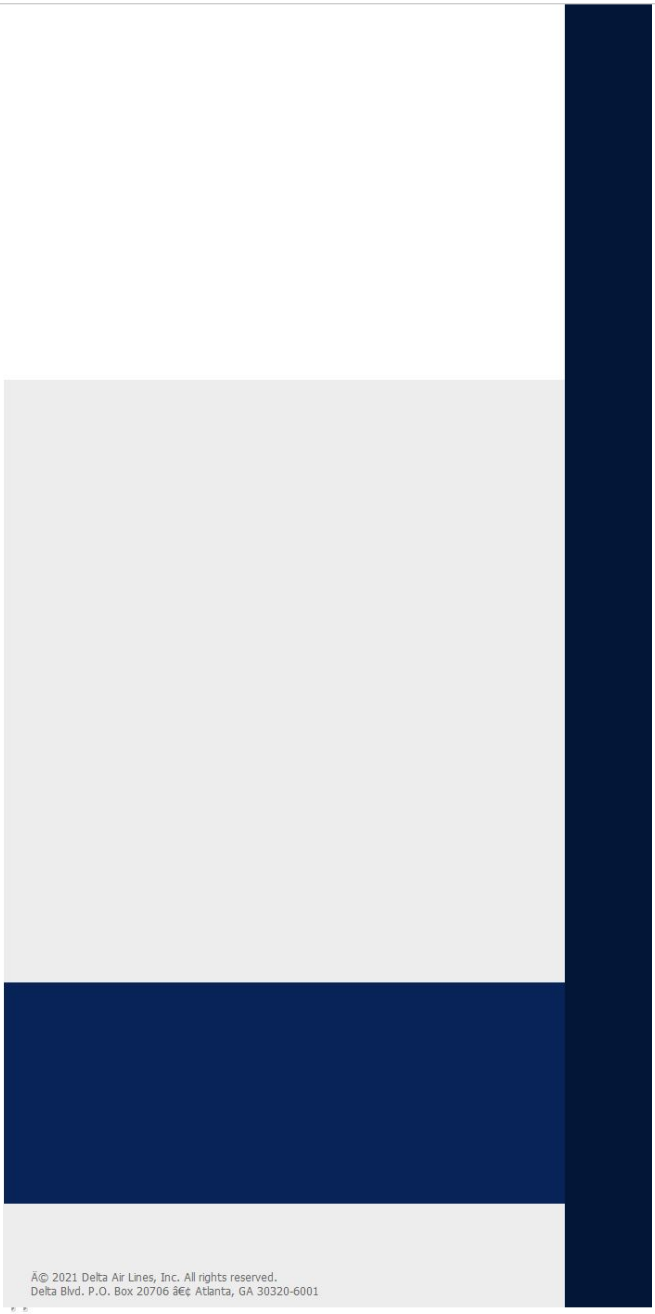
CALCULATE YOUR BAGGAGE ESTIMATE â€“ use the baggage calculator to get an estimate of the baggage allowance and fees for you upcoming trip. Visit the My Trips page and select an upcoming trip.

VISIT OUR HELP CENTER PAGE â€“ get all your travel questions answered with information on self-service tools, baggage, SkyMiles, and more. Visit Now â€º

Have a great trip, and thank you for choosing Delta.

Body	

Record 181

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	It's Almost Time For Your Flight
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:21:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:21:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:21:51.000 PM

Body

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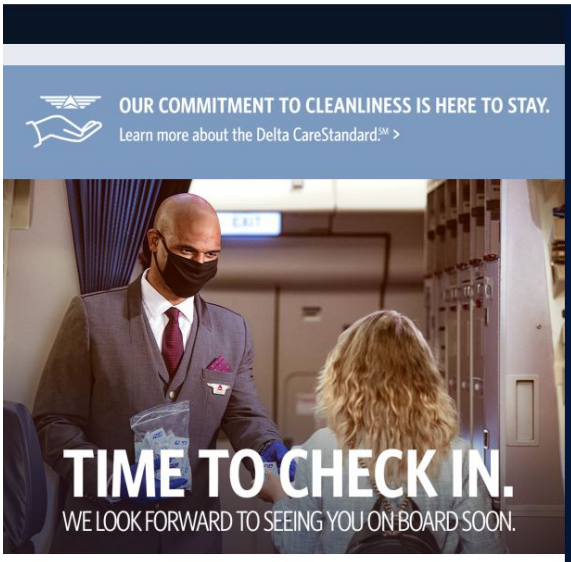

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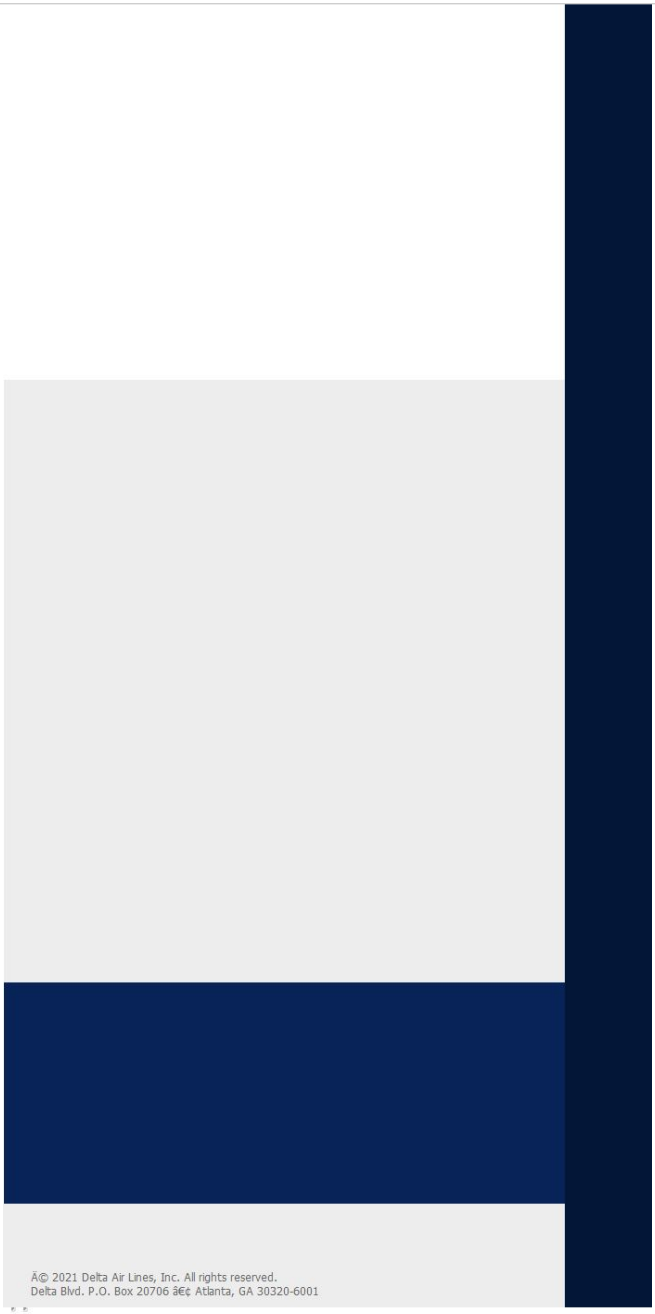
Body	

Record 182

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your Flight Receipt - WAYNEKEVIN STENEHJEM 09FEB22
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:44:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:44:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:44:40.000 AM

Body

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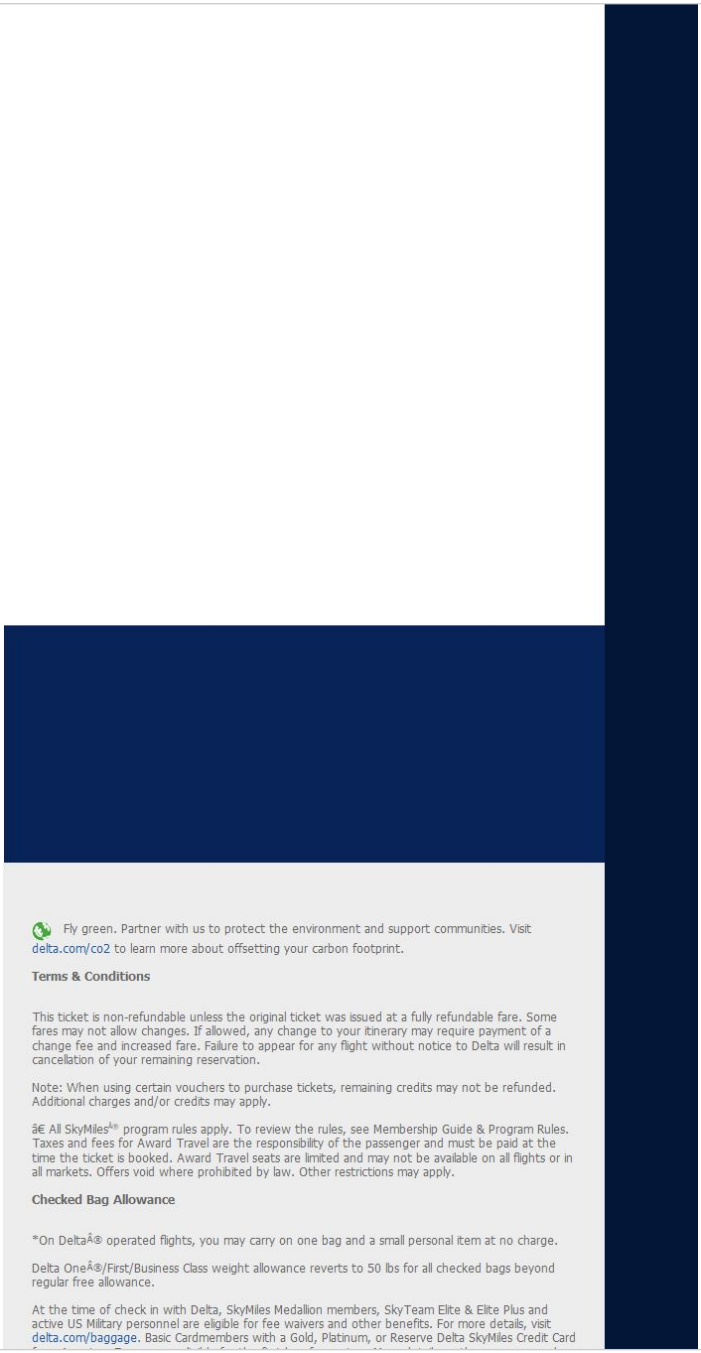
Body



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Note: When using certain vouchers to purchase tickets, remaining credits may not be refunded. Additional charges and/or credits may apply.

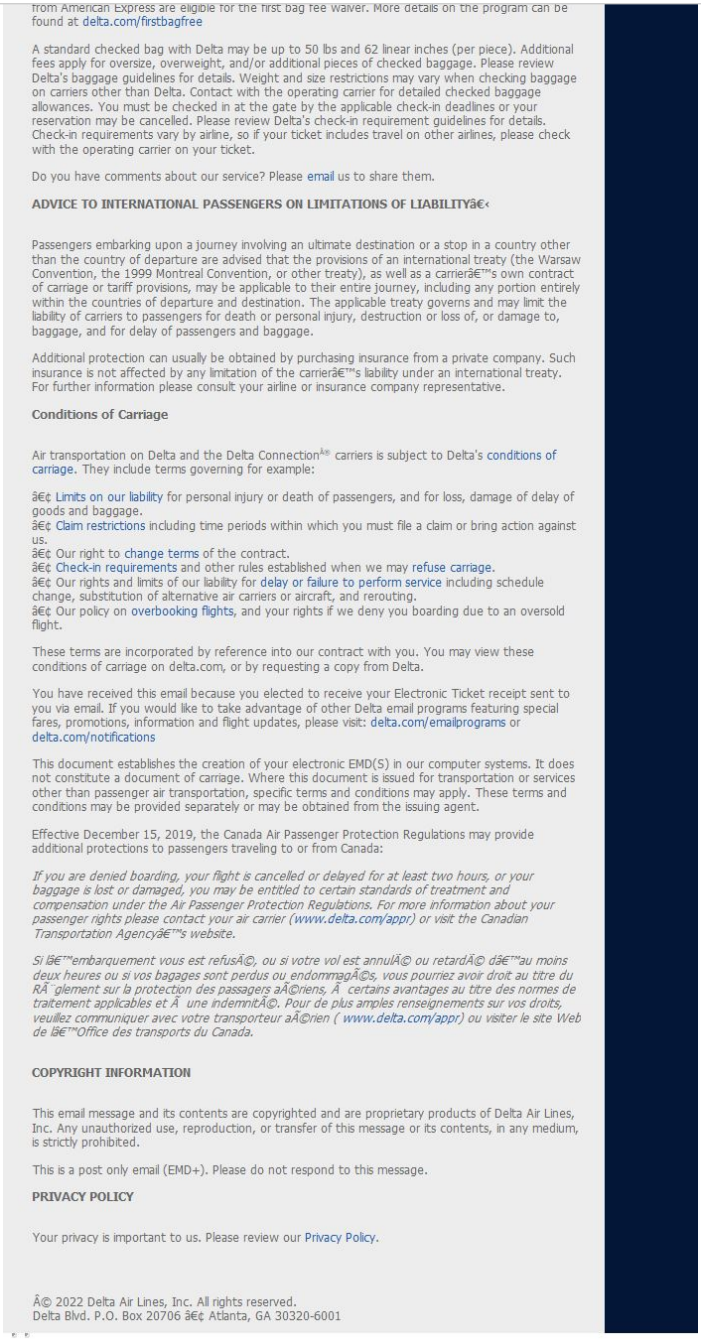
â€ All SkyMiles℠ program rules apply. To review the rules, see Membership Guide & Program Rules. Taxes and fees for Award Travel are the responsibility of the passenger and must be paid at the time the ticket is booked. Award Travel seats are limited and may not be available on all flights or in all markets. Offers void where prohibited by law. Other restrictions may apply.

Checked Bag Allowance

*On DeltaÂ® operated flights, you may carry on one bag and a small personal item at no charge.

Delta OneÂ®/First/Business Class weight allowance reverts to 50 lbs for all checked bags beyond regular free allowance.

At the time of check in with Delta, SkyMiles Medallion members, SkyTeam Elite & Elite Plus and active US Military personnel are eligible for fee waivers and other benefits. For more details, visit delta.com/baggage. Basic Cardmembers with a Gold, Platinum, or Reserve Delta SkyMiles Credit Card

Body	

from American Express are eligible for the first bag fee waiver. More details on the program can be found at delta.com/firstbagfree

A standard checked bag with Delta may be up to 50 lbs and 62 linear inches (per piece). Additional fees apply for oversize, overweight, and/or additional pieces of checked baggage. Please review Delta's baggage guidelines for details. Weight and size restrictions may vary when checking baggage on carriers other than Delta. Contact with the operating carrier for detailed checked baggage allowances. You must be checked in at the gate by the applicable check-in deadlines or your reservation may be cancelled. Please review Delta's check-in requirement guidelines for details. Check-in requirements vary by airline, so if your ticket includes travel on other airlines, please check with the operating carrier on your ticket.

Do you have comments about our service? Please email us to share them.

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Passengers embarking upon a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that the provisions of an international treaty (the Warsaw Convention, the 1999 Montreal Convention, or other treaty), as well as a carrierâ€™s own contract of carriage or tariff provisions, may be applicable to their entire journey, including any portion entirely within the countries of departure and destination. The applicable treaty governs and may limit the liability of carriers to passengers for death or personal injury, destruction or loss of, or damage to, baggage, and for delay of passengers and baggage.

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Air transportation on Delta and the Delta Connection[®] carriers is subject to Delta's conditions of carriage. They include terms governing for example:

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â€¢ Claim restrictions including time periods within which you must file a claim or bring action against us.
â€¢ Our right to change terms of the contract.
â€¢ Check-in requirements and other rules established when we may refuse carriage.
â€¢ Our rights and limits of our liability for delay or failure to perform service including schedule change, substitution of alternative air carriers or aircraft, and rerouting.
â€¢ Our policy on overbooking flights, and your rights if we deny you boarding due to an oversold flight.

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If you are denied boarding, your flight is cancelled or delayed for at least two hours, or your baggage is lost or damaged, you may be entitled to certain standards of treatment and compensation under the Air Passenger Protection Regulations. For more information about your passenger rights please contact your air carrier (www.delta.com/appr) or visit the Canadian Transportation Agencyâ€™s website.

Si lâ€™embarquement vous est refusÃ©, ou si votre vol est annulÃ© ou retardÃ© dâ€™au moins deux heures ou si vos bagages sont perdus ou endommagÃ©s, vous pourriez avoir droit au titre du RÃ¨glement sur la protection des passagers aÃ©riens, Ã certains avantages au titre des normes de traitement applicables et Ã une indemnitÃ©. Pour de plus amples renseignements sur vos droits, veuillez communiquer avec votre transporteur aÃ©rien (www.delta.com/appr) ou visiter le site Web de lâ€™Office des transports du Canada.

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Record 183

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	Your Flight Receipt - WAYNEKEVIN STENEHJEM 09FEB22
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:44:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:44:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:44:40.000 AM

Body

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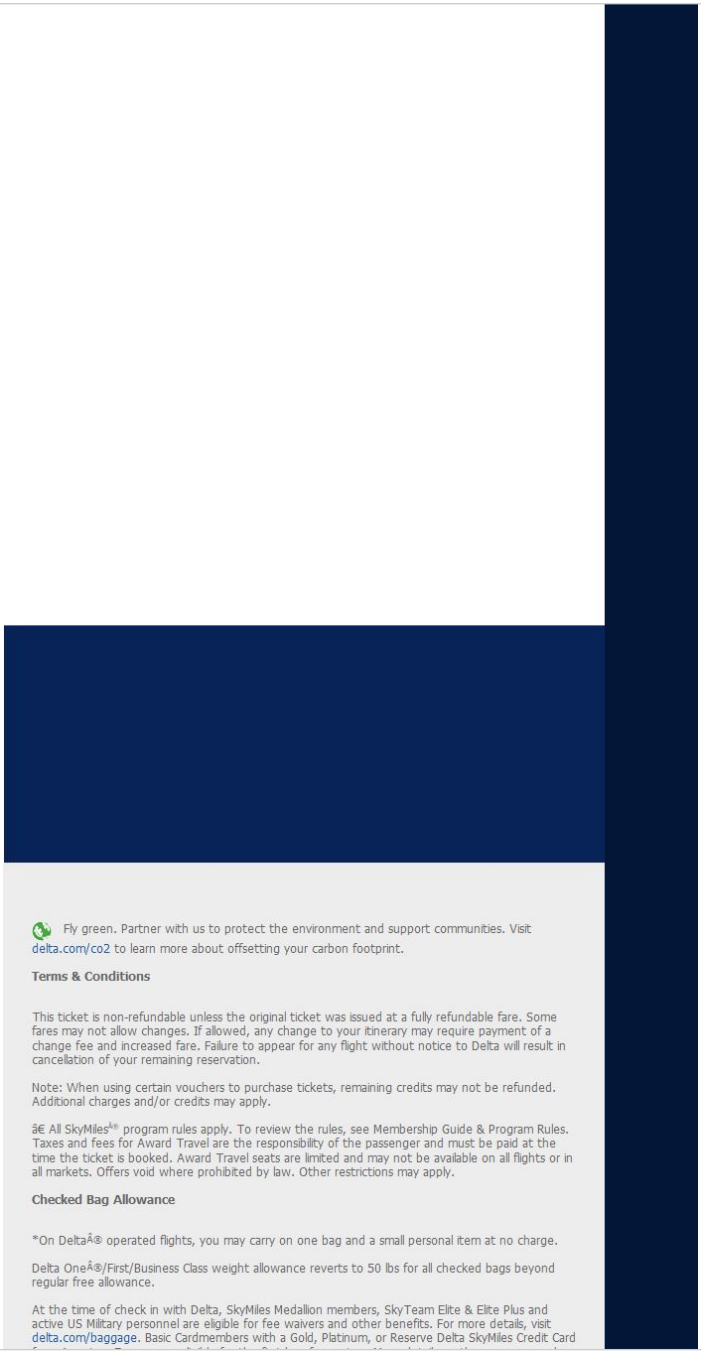
Body



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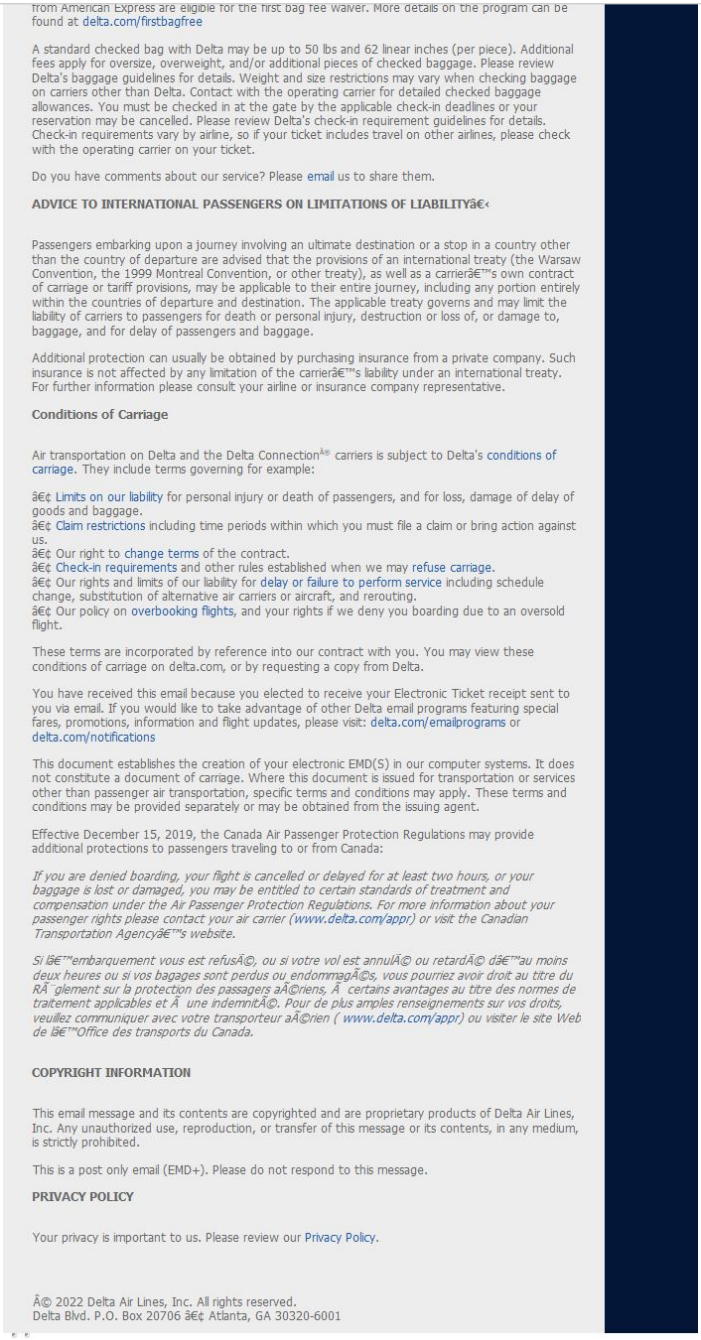
Body	

Record 184

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	It's Time To Check In
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:57:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:57:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:57:07.000 PM

Body

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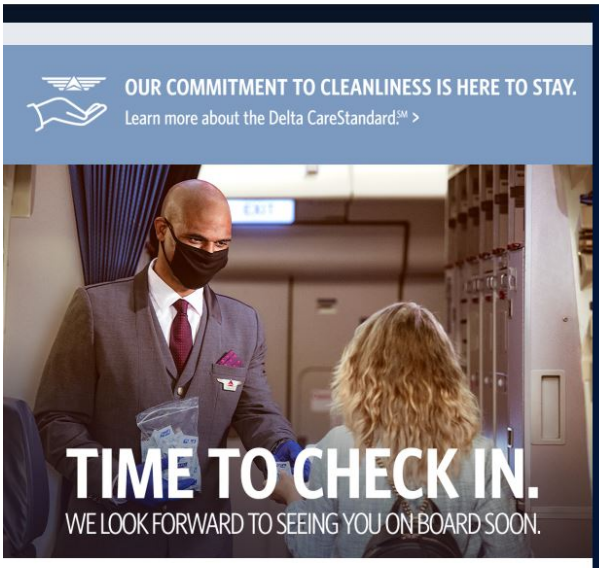

Prefer a Different Flight Time?
Weâ€™ve made it easier to make changes to your trip â€" without paying a fee or contacting an agent. You can now standby for a different flight for free, if the new flight is the same day and changes are made within 24 hours of the original departure. Terms apply. More Information >

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Have a great trip, and thank you for choosing Delta.

Body	

Record 185

Sender Name	Delta Air Lines
Sender Email	DeltaAirLines@t.delta.com
Recipients	wstenehjem@nd.gov
Subject	It's Time To Check In
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:57:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:57:01.000 PM
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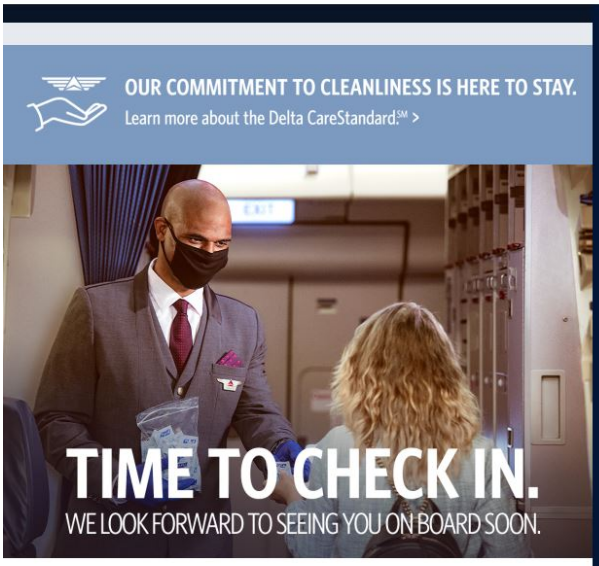

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Body	

Record 186

Sender Name	Hopkins, Danelle
Sender Email	dhopkins@nd.gov
Subject	State of the State Rescheduled
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:02:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:02:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:02:55.000 PM

Body	Good afternoon, Gov. Doug Burgum announced today that he will deliver his rescheduled 2022 State of the State Address at 10 a.m. Feb. 16 at the Fargo Theatre located in downtown Fargo. We hope you will be able to join us at this new date and venue. Please let us know by Feb. 14 whether you will be able to join us in person and we will be happy to reserve you a seat in the designation section. You may RSVP by replying directly to this email (dhopkins@nd.gov) or by calling 701-328-1277. If you are not able to attend the address in person, we invite you to join us online via the live stream. Please let me know if you have any questions, and I hope you will be able to join us. With gratitude, Danelle Hopkins *Research & Projects Manager* *Policy Advisor – Veterans' Affairs* 701.328.1277 • 701.955.5245 (m) • dhopkins@nd.gov • www.governor.nd.gov
Attachments	image002[15807].png

Record 187

Sender Name	Hopkins, Danelle
Sender Email	dhopkins@nd.gov
Subject	State of the State Rescheduled
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:02:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:02:41.000 PM
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Attachments	image002[12450].png

Record 188

Sender Name	McDaniel, Deborah A.
Sender Email	dmcdanie@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Bismarck Gas Station and E-tabs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 8:40:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 8:40:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 8:40:48.000 AM

Body	Wayne and Troy, Our office will be approving a site authorization for the Bismarck American Legion at the Country West SuperPumper, on Tyler Parkway. This site was approved by the City of Bismarck and has an on-sale license to serve and dispense alcoholic beverages on site. The licensed gaming organization plans on conducting four e-tab devices at this time. At this point we now have four gas station sites: Cenex of New Salem 1309 N 8th St, New Salem Sweet Crude Travel Center 12678 ND 200, Grassy Butte Rattler Gas 104 E St S, Glen Ullin Country West SuperPumper 2205 Tyler Parkway, Bismarck

Record 189

Sender Name	McDaniel, Deborah A.
Sender Email	dmcdanie@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Bismarck Gas Station and E-tabs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 8:40:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 8:40:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 8:40:48.000 AM
Body	Wayne and Troy, Our office will be approving a site authorization for the Bismarck American Legion at the Country West SuperPumper, on Tyler Parkway. This site was approved by the City of Bismarck and has an on-sale license to serve and dispense alcoholic beverages on site. The licensed gaming organization plans on conducting four e-tab devices at this time. At this point we now have four gas station sites: Cenex of New Salem 1309 N 8th St, New Salem Sweet Crude Travel Center 12678 ND 200, Grassy Butte Rattler Gas 104 E St S, Glen Ullin Country West SuperPumper 2205 Tyler Parkway, Bismarck

Record 190

Sender Name	Donnell Preskey Hushka
Sender Email	donnell.preskey@ndaco.org
Recipients	wstenehjem@nd.gov, jabeehler@nd.gov
Subject	FW: Sheriff Frank Landeis
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:55:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:55:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:55:37.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne and Jace, I thought both of your offices may like to know about the retirement of Sioux County Sheriff Frank Landeis. Sheriff Landeis has ran a one man department – he has had no deputies and also serves his county in other capacities as well. He's been Sheriff for 27 years! He is retiring at the end of the year. Information on a celebration honoring his service is below. Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org **From:** Donnell Preskey Hushka <donnell.preskey@ndaco.org> **Sent:** Monday, December 13, 2021 3:06 PM **To:** Sheriffs <Sheriffs@ndaco.org> **Subject:** Sheriff Frank Landeis Sheriffs, I've been asked to pass on that Sioux County Sheriff Frank Landeis is retiring after 30 some years. He is actually our longest-serving Sheriff in ND. They will have an open house honoring Sheriff Landeis on December 30th starting at 1 p.m. in the Sioux County Courthouse. 303 2nd Ave Fort Yates, ND Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org

Record 191

Sender Name	Donnell Preskey Hushka
Sender Email	donnell.preskey@ndaco.org
Recipients	wstenehjem@nd.gov, jabeehler@nd.gov
Subject	FW: Sheriff Frank Landeis
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:55:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:55:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:55:37.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne and Jace, I thought both of your offices may like to know about the retirement of Sioux County Sheriff Frank Landeis. Sheriff Landeis has ran a one man department – he has had no deputies and also serves his county in other capacities as well. He's been Sheriff for 27 years! He is retiring at the end of the year. Information on a celebration honoring his service is below. Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org **From:** Donnell Preskey Hushka <donnell.preskey@ndaco.org> **Sent:** Monday, December 13, 2021 3:06 PM **To:** Sheriffs <Sheriffs@ndaco.org> **Subject:** Sheriff Frank Landeis Sheriffs, I've been asked to pass on that Sioux County Sheriff Frank Landeis is retiring after 30 some years. He is actually our longest-serving Sheriff in ND. They will have an open house honoring Sheriff Landeis on December 30th starting at 1 p.m. in the Sioux County Courthouse. 303 2nd Ave Fort Yates, ND Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org

Record 192

Sender Name	Patten, Dale
Sender Email	dpatten@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Public Service
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:40:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:40:04.000 AM

Body	Wayne, I want to both congratulate and thank you for your service to the State of North Dakota. You have been involved and engaged as a leader in our state during some of its toughest economic times and its fastest growth and opportunities. The leadership you provided during both of theses times has been critically important to surviving the tough times and finding the right path forward as our state dealt with the challenges created by our new opportunities. You are greatly respected and much appreciated for your commitment to our state. Again, thank you and I have enjoyed working over the past many years. Dale Dale Patten, Senator ND Legislative District 39 PO Box 812 Watford City ND 58854 Email - dpatten@nd.gov Cell - 701-570-4908

Record 193

Sender Name	Patten, Dale
Sender Email	dpatten@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Public Service
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:40:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:40:04.000 AM
Body	Wayne, I want to both congratulate and thank you for your service to the State of North Dakota. You have been involved and engaged as a leader in our state during some of its toughest economic times and its fastest growth and opportunities. The leadership you provided during both of theses times has been critically important to surviving the tough times and finding the right path forward as our state dealt with the challenges created by our new opportunities. You are greatly respected and much appreciated for your commitment to our state. Again, thank you and I have enjoyed working over the past many years. Dale Dale Patten, Senator ND Legislative District 39 PO Box 812 Watford City ND 58854 Email - dpatten@nd.gov Cell - 701-570-4908

Record 194

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Newfield
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 12:36:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 12:36:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 12:36:40.000 PM
Body	**Bullet point memo attached**
Attachments	15962.docx

Record 195

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Newfield
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 12:36:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 12:36:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 12:36:40.000 PM
Body	Bullet point memo attached
Attachments	12604.docx

Record 196

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:40:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:40:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:40:21.000 PM
Body	"The reports of my death have been greatly exaggerated." Samuel Clemons Get Outlook for iOS
Attachments	image001[15032].jpg

Record 197

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:40:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:40:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:40:21.000 PM
Body	"The reports of my death have been greatly exaggerated." Samuel Clemons Get Outlook for iOS
Attachments	image001[11635].jpg

Record 198

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, jodi.smith@nd.gov, masagsve@nd.gov, tseibel@nd.gov, kmccusker@nd.gov, aotteson@nd.gov
Subject	Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:48:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:48:57.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:48:59.000 AM

Body	Attached is a draft of the Notice of Appeal. Please send any comments or suggestions by the end of the week so I can file on Tuesday. Thank you. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640
Attachments	15897.docx

Record 199

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, jodi.smith@nd.gov, masagsve@nd.gov, tseibel@nd.gov, kmccusker@nd.gov, aotteson@nd.gov
Subject	Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:48:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:48:57.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:48:59.000 AM
Body	Attached is a draft of the Notice of Appeal. Please send any comments or suggestions by the end of the week so I can file on Tuesday. Thank you. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640
Attachments	12532.docx

Record 200

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	aotteson@nd.gov, wstenehjem@nd.gov, jodi.smith@nd.gov, masagsve@nd.gov, tseibel@nd.gov, kmccusker@nd.gov
Subject	RE: Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:12:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:12:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:12:48.000 AM

Body	Not in this case **From:** Otteson, Adam G. <aotteson@nd.gov> **Sent:** Wednesday, January 12, 2022 11:10 AM **To:** Garner, David P. <dpgarner@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; McCusker, Kristie M. <kmccusker@nd.gov> **Subject:** RE: Newfield - Notice of Appeal Statute of Limitations? Adam Otteson, CPA *Director of Revenue Compliance* 701.328.1946 • aotteson@nd.gov • land.nd.gov **From:** Garner, David P. <dpgarner@nd.gov> **Sent:** Wednesday, January 12, 2022 10:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; McCusker, Kristie M. <kmccusker@nd.gov>; Otteson, Adam G. <aotteson@nd.gov> **Subject:** Newfield - Notice of Appeal Attached is a draft of the Notice of Appeal. Please send any comments or suggestions by the end of the week so I can file on Tuesday. Thank you. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640
Attachments	image001[15267].png

Record 201

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Subject	RE: Newfield - Notice of Appeal
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:12:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:12:48.000 AM

Record 202

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: Newfield
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:46:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:46:55.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:46:57.000 PM

Body	Hi, Wayne. Attached is a revised notice of appeal with some new issues highlighted. I've now included an appeal of the decision regarding HB 1080 and the statute of limitations. I can remove these if you'd prefer. Dave Garner Get Outlook for iOS **From:** McCusker, Kristie M. <kmccusker@nd.gov> **Sent:** Thursday, January 13, 2022 2:34:58 PM **To:** Garner, David P. <dpgarner@nd.gov> **Cc:** Smith, Jodi <jodi.smith@nd.gov>; Otteson, Adam G. <aotteson@nd.gov> **Subject:** Newfield Dave – Here is the revised notice of appeal to send to Wayne – proposing the highlighted issues. Kristie Kristie McCusker *Paralegal* 701.328.1918 • kmccusker@nd.gov • land.nd.gov
Attachments	image001[15310].png, 15891.docx

Record 203

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: Newfield
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:46:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:46:55.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:46:57.000 PM
Body	Hi, Wayne. Attached is a revised notice of appeal with some new issues highlighted. I've now included an appeal of the decision regarding HB 1080 and the statute of limitations. I can remove these if you'd prefer. Dave Garner Get Outlook for iOS **From:** McCusker, Kristie M. <kmccusker@nd.gov> **Sent:** Thursday, January 13, 2022 2:34:58 PM **To:** Garner, David P. <dpgarner@nd.gov> **Cc:** Smith, Jodi <jodi.smith@nd.gov>; Otteson, Adam G. <aotteson@nd.gov> **Subject:** Newfield Dave – Here is the revised notice of appeal to send to Wayne – proposing the highlighted issues. Kristie Kristie McCusker *Paralegal* 701.328.1918 • kmccusker@nd.gov • land.nd.gov
Attachments	image001[11930].png, 12528.docx

Record 204

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov, jodi.smith@nd.gov, aotteson@nd.gov, kmccusker@nd.gov, cmc@pearce-durick.com
Subject	Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:26:55.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:26:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:26:55.000 PM
Body	I believe I have made everyone's suggestions. I will file this tomorrow morning absent additional comments. Thanks. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640
Attachments	15875.docx

Record 205

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov, jodi.smith@nd.gov, aotteson@nd.gov, kmccusker@nd.gov, cmc@pearce-durick.com
Subject	Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:26:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:26:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:26:55.000 PM
Body	I believe I have made everyone's suggestions. I will file this tomorrow morning absent additional comments. Thanks. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640
Attachments	12512.docx

Record 206

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:40:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:40:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:40:09.000 PM

Body	Will do. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 17, 2022 4:40 PM **To:** Garner, David P. <dpgarner@nd.gov> **Subject:** RE: Newfield - Notice of Appeal This looks good, Dave. Please give me a call in the morning before you file it. Wayne **From:** Garner, David P. <dpgarner@nd.gov> **Sent:** Monday, January 17, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Otteson, Adam G. <aotteson@nd.gov>; McCusker, Kristie M. <kmccusker@nd.gov>; cmc@pearce-durick.com **Subject:** Newfield - Notice of Appeal I believe I have made everyone's suggestions. I will file this tomorrow morning absent additional comments. Thanks. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640

Record 207

Sender Name	Garner, David P.
Sender Email	dpgarner@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:40:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:40:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:40:09.000 PM
Body	Will do. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 17, 2022 4:40 PM **To:** Garner, David P. <dpgarner@nd.gov> **Subject:** RE: Newfield - Notice of Appeal This looks good, Dave. Please give me a call in the morning before you file it. Wayne **From:** Garner, David P. <dpgarner@nd.gov> **Sent:** Monday, January 17, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Otteson, Adam G. <aotteson@nd.gov>; McCusker, Kristie M. <kmccusker@nd.gov>; cmc@pearce-durick.com **Subject:** Newfield - Notice of Appeal I believe I have made everyone's suggestions. I will file this tomorrow morning absent additional comments. Thanks. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640

Record 208

Sender Name	Ensign, Drew
Sender Email	Drew.Ensign@azag.gov
Recipients	Scott.Stewart@ago.ms.gov, Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	Re: Draft SCOTUS Stay
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 11:43:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 11:43:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 11:43:34.000 AM
Body	

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Completely agree. Thanks very much to Ben and his team for putting together an amazing brief on an amazingly short timetable.

Drew

From: Scott Stewart <Scott.Stewart@ago.ms.gov>
Sent: Saturday, December 18, 2021 9:21:52 AM
To: Benjamin Flowers; Murrill, Elizabeth
Cc: Alloway, Jessie M (LAW); 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson; Boal, Michael [IGOV]; Bowdre, Barrett; Brandon J. Smith; Brasington, Charles E (LAW); 'brian.kane@ag.idaho.gov'; Bronni, Nicholas; Campbell, Jim; Chanay, Jeff; Christopher Baum; Clark Hildabrand; Daniel Bell; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David; Dizon, Ninia R (LAW); Drew Waldbeser; Dunn, Barry (KYOAG); Ensign, Drew; Grant Dorfman; Henry Whitaker; Holmes, Melinda R; Iaccarino, Carmine G (KYOAG); James Percival; Jeffrey DeSousa; John Coghlan; 'john.sauer@ago.mo.gov'; Jonathan Blanton; Joshua Richardson; Judd Stone; 'Justin.Matheny@ago.ms.gov'; Kaste, James; Keiser, Lindsey R (KYOAG); Kuhn, Matt F (KYOAG); LaCour, Edmund; Langholz, Sam; Laue, Brant; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG); Magera, Alexander Y (KYOAG); Mansinghani, Mithun; 'masagsve@nd.gov'; May Mailman; 'melissaholyoak@agutah.gov'; Michael R. Williams; Mills, Cori M (LAW); Nolan, Brett R (KYOAG); 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon; Roysden, Beau; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory; St. John, Joseph; Stephen Petrany; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG); Thacker, Christopher L (KYOAG); 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer; Wagner, Vincent; White, Kimi; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: Re: Draft SCOTUS Stay

Thank you, Ben, for your skill, energy, and ingenuity in producing such a strong brief and getting us on file so swiftly.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Saturday, December 18, 2021 8:07 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'>
Subject: RE: Draft SCOTUS Stay

Thanks to all of you for helpful edits, for all your work in all the other mandate cases, and for making what could easily be a cumbersome process very easy.

I'm headed to the UPS store now with about 80 envelopes of briefs to serve

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511

Body	Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Date:** Saturday, Dec 18, 2021, 8:50 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. 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Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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Record 209

Sender Name	Ensign, Drew
Sender Email	Drew.Ensign@azag.gov
Subject	Re: Draft SCOTUS Stay
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 11:43:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 11:43:34.000 AM

Record 210

Sender Name	Ensign, Drew
Sender Email	Drew.Ensign@azag.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:48:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:47:50.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:48:04.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

Sincerely,
Drew

From: Ensign, Drew
Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is a slightly updated version of the Fifth Circuit amicus brief for the Nasdaq/SEC Quota Rule challenge. So far Alaska, Arkansas, and Montana have joined.

Basically, the brief makes two points that are probably pretty uncontroversial for this group: (1) explicit race- and sex-based quotas are bad and violate the Constitution and (2) SEC cannot use a highly generalized and circumscribed grant of authority to intrude upon an area traditionally regulated by state law and in service of an agenda of restructuring society in the agency's own social-justice-minded image (while violating the Constitution in the process).

We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Please let us know if you have any questions or would like to discuss any of this.

Sincerely,
Drew

From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here.

Body	For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.
Attachments	15955.doc

Record 211

Sender Name	Ensign, Drew
Sender Email	Drew.Ensign@azag.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:48:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:47:50.000 PM
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Body

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Hi all,

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Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST**. Please also let us know if you have any questions, concerns, or edits.

Sincerely,
Drew

From: Ensign, Drew
Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
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Attachments	12594.doc

Record 212

Sender Name	Ensign, Drew
Sender Email	Drew.Ensign@azag.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:27:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:27:36.000 PM
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Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

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Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

Sincerely,
Drew

From: Ensign, Drew
Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is a slightly updated version of the Fifth Circuit amicus brief for the Nasdaq/SEC Quota Rule challenge. So far Alaska, Arkansas, and Montana have joined.

Basically, the brief makes two points that are probably pretty uncontroversial for this group: (1) explicit race- and sex-based quotas are bad and violate the Constitution and (2) SEC cannot use a highly generalized and circumscribed grant of authority to intrude upon an area traditionally regulated by state law and in service of an agenda of restructuring society in the agency's own social-justice-minded image (while violating the Constitution in the process).

We will be able to accept sign-ons until **December 27 at 5pm Eastern**. Please let us know if you have any questions or would like to discuss any of this.

Sincerely,
Drew

From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov;

Body	rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Hi all, Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here. For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission – on a 3-2 party-line vote – approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.
Attachments	12588.pdf

Record 214

Sender Name	DS417
Sender Email	ds417@nd.gov
Recipients	wstenehjem@nd.gov
Subject	PBT/SCRAM Bracelet Stats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:08.000 AM

Body	Good morning Wayne, Regarding PBT (twice daily breath testing).... since the beginning of program (2008 statewide)... for round numbers 1.8 million tests administered with a pass rate of 96.8% Exact numbers: 1,798,984 tests administered 1,792, 268 passed 6686 Failed Don't know if you want to use this but we started using remote breath devices last year. Breath test twice a day w/ facial recognition software in device. Numbers are low (have to start somewhere□□) but results are good. 19,394 total tests pass rate of 95.9% 18,602 passed 39 fail SCRAM Bracelet 2021 averaged 614 monitored individuals a month Since the inception of the bracelet, 2,268,944 monitored days Good luck at your talk! □□ Duane S/A Duane Stanley North Dakota Bureau Of Criminal Investigation North Dakota POST Board 24/7 Sobriety Program Bismarck, North Dakota 58504 Office: (701) 328-5516 §44-04-18.3 Fax: (701) 328-5510 ds417@nd.gov
Attachments	image001[15742].png

Record 215

Sender Name	DS417
Sender Email	ds417@nd.gov
Recipients	wstenehjem@nd.gov
Subject	PBT/SCRAM Bracelet Stats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:08.000 AM

Body	Good morning Wayne, Regarding PBT (twice daily breath testing).... since the beginning of program (2008 statewide)... for round numbers 1.8 million tests administered with a pass rate of 96.8% Exact numbers: 1,798,984 tests administered 1,792, 268 passed 6686 Failed Don't know if you want to use this but we started using remote breath devices last year. Breath test twice a day w/ facial recognition software in device. Numbers are low (have to start somewhere□□) but results are good. 19,394 total tests pass rate of 95.9% 18,602 passed 39 fail SCRAM Bracelet 2021 averaged 614 monitored individuals a month Since the inception of the bracelet, 2,268,944 monitored days Good luck at your talk! □□ Duane S/A Duane Stanley North Dakota Bureau Of Criminal Investigation North Dakota POST Board 24/7 Sobriety Program Bismarck, North Dakota 58504 Office: (701) 328-5516 §44-04-18.3 Fax: (701) 328-5510 ds417@nd.gov
Attachments	image001[12379].png

Record 216

Sender Name	Schaibley, David J.
Sender Email	dschaibley@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 3:57:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 3:57:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 3:57:44.000 PM

Body	I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	chpieske@nd.gov

Record 217

Sender Name	Schaibley, David J.
Sender Email	dschaibley@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 3:57:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 3:57:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 3:57:44.000 PM

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CC	chpieske@nd.gov

Record 218

Sender Name	Schaibley, David J.
Sender Email	dschaibley@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:24:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:24:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:24:37.000 PM

Body	Excellent. -d **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 16, 2021 4:04 PM **To:** Schaibley, David J. <dschaibley@nd.gov> **Subject:** RE: Head Start Thanks, Dave. So you know, I have visited about this with Kirsten and also Chris Jones. Wayne **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.

Record 219

Sender Name	Schaibley, David J.
Sender Email	dschaibley@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:24:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:24:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:24:37.000 PM

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Record 220

Sender Name	ecf-notice@mnd.uscourts.gov
Sender Email	ecf-notice@mnd.uscourts.gov
Recipients	mndecfnotifications@mnd.uscourts.gov
Subject	U.S. District Court, District of Minnesota, St. Paul Federal Courthouse Closure
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:17:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:12:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:17:43.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an announcement e-mail message generated by Court action through the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** The St. Paul Federal Courthouse will be closed beginning January 20, 2022. Please see the general order for more details.

Record 221

Sender Name	ecf-notice@mnd.uscourts.gov
Sender Email	ecf-notice@mnd.uscourts.gov
Recipients	mndecfnotifications@mnd.uscourts.gov
Subject	U.S. District Court, District of Minnesota, St. Paul Federal Courthouse Closure
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:17:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:12:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:17:43.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an announcement e-mail message generated by Court action through the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** The St. Paul Federal Courthouse will be closed beginning January 20, 2022. Please see the general order for more details.

Record 222

Sender Name	ecf-notice@mnd.uscourts.gov
Sender Email	ecf-notice@mnd.uscourts.gov
Recipients	mndecfnotifications@mnd.uscourts.gov
Subject	U.S. District Court, District of Minnesota, Notice of U.S. Magistrate Judge Vacancy
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:57:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:53:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:57:02.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an announcement e-mail message generated by Court action through the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** The Judicial Conference of the United States has authorized the appointment of a full-time United States Magistrate Judge for the United States District Court, District of Minnesota. The current salary of the full-time position is $205,528 per year. The position will be located in the District of Minnesota. The term of office for a full-time magistrate judge is eight years; incumbents may be reappointed to successive terms. The full public notice, application instructions, and application form are available on the Court's website at www.mnd.uscourts.gov. Applications must be received no later than 4:30 p.m. Central Time on **Friday, March 11, 2022**.

Record 223

Sender Name	ecf-notice@mnd.uscourts.gov
Sender Email	ecf-notice@mnd.uscourts.gov
Recipients	mndecfnotifications@mnd.uscourts.gov
Subject	U.S. District Court, District of Minnesota, Notice of U.S. Magistrate Judge Vacancy
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:57:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:53:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:57:02.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an announcement e-mail message generated by Court action through the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** The Judicial Conference of the United States has authorized the appointment of a full-time United States Magistrate Judge for the United States District Court, District of Minnesota. The current salary of the full-time position is $205,528 per year. The position will be located in the District of Minnesota. The term of office for a full-time magistrate judge is eight years; incumbents may be reappointed to successive terms. The full public notice, application instructions, and application form are available on the Court's website at www.mnd.uscourts.gov. Applications must be received no later than 4:30 p.m. Central Time on **Friday, March 11, 2022**.

Record 224

Sender Name	LaCour, Edmund
Sender Email	Edmund.LaCour@alabamaag.gov

Recipients	cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon@alaska.gov, Beau.Roysden@azag.gov, Drew.Ensign@azag.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@arkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffrey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@law.ga.gov, RBergethon@law.ga.gov, DWaldbeser@law.ga.gov, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, julia.payne@atg.in.gov, Jeff.Chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, MurrillE@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, jim.campbell@nebraska.gov, Daniel.E.Will@doj.nh.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorneygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn.gov, Sarah.Campbell@ag.tn.gov, judd.stone@oag.texas.gov, Grant.Dorfman@oag.texas.gov, Benjamin.Wilson@oag.texas.gov, melissaholyoak@agutah.gov, rcantrell@agutah.gov, Lindsay.S.See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov
Subject	ERA Litigation, Amicus Request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:39:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:39:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:39:45.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends, I write to request amicus assistance in a case in which plaintiffs seek to literally rewrite the Constitution. The case involves the Equal Rights Amendment, which states that "[e]quality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." When Congress proposed it to the States in 1972, the amendment failed. Congress's proposing resolution gave the States only seven years to ratify; but when seven years were up, only 35 States had voted to ratify—three short of the three-fourths supermajority required by the Constitution. And five of those States voted to rescind their ratifications. Everyone thus assumed that the ERA had failed, and that Congress and the States would have to start from scratch if they wanted to add it to the Constitution. But a few years ago, activists began pushing the idea that the 7-year deadline was inoperative and that if three more States ratified the ERA, it would be added to the Constitution. Between 2017 and 2020, Nevada, Illinois, and Virginia "ratified" the amendment, and then sued to have it added to the Constitution. Alabama, Louisiana, Nebraska, South Dakota, and Tennessee intervened to oppose their efforts. We won at the D.C. District Court (our D.Ct. brief is attached), and the case is now before the D.C. Circuit. As the attached memo explains in more detail, there are several different arguments from amici States that could be helpful, whether your State ratified the ERA, never ratified it, or ratified and rescinded (Kentucky and Idaho). We'd love to have a strong showing, particularly after 18 States and DC filed a brief supporting the plaintiffs. The stakes are high, as the ERA could be wielded by courts to invalidate numerous State laws. Thank you for your consideration. Best, Eddie Edmund LaCour Solicitor General Office of Alabama Attorney General Steve Marshall Direct: 334-353-2196 Fax: 334-353-8400 Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
CC	Barrett.Bowdre@alabamaag.gov, cam@consovoymccarthy.com
Attachments	15873.pdf, 15872.pdf, 15871.pdf

Record 225

Sender Name	LaCour, Edmund
Sender Email	Edmund.LaCour@AlabamaAG.gov

Recipients	cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon@alaska.gov, Beau.Roysden@azag.gov, Drew.Ensign@azag.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@arkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffrey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBergethon@LAW.GA.GOV, DWaldbeser@LAW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, julia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murrille@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Daniel.E.Will@doj.nh.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorneygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn.gov, Sarah.Campbell@ag.tn.gov, Judd.Stone@oag.texas.gov, Grant.Dorfman@oag.texas.gov, Benjamin.Wilson@oag.texas.gov, melissaholyoak@agutah.gov, rcantrell@agutah.gov, Lindsay.S.See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov
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CC	Barrett.Bowdre@AlabamaAG.gov, cam@consovoymccarthy.com
Attachments	12510.pdf, 12509.pdf, 12508.pdf

Record 226

Sender Name	LaCour, Edmund
Sender Email	Edmund.LaCour@AlabamaAG.gov

Recipients	Beth.Klusmann@oag.texas.gov, cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon @alaska.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@a rkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffr ey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBerge thon@LAW.GA.GOV, DWaldbeser@LAW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, ju lia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murri lle@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart @ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Anthony.J.Galdieri@d oj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorn eygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair @state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn. gov, Sarah.Campbell@ag.tn.gov, melissaholyoak@agutah.gov, rcantrell@agutah.gov, Lindsay.S. See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, r yan.schelhaas@wyo.gov, aferguson@oag.state.va.us
Subject	RE: Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:32:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:32:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:32:38.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Beth, Please add Alabama. Thank you. Best, Eddie Edmund LaCour Solicitor General Office of Alabama Attorney General Steve Marshall Direct: 334-353-2196 Fax: 334-353-8400 **From:** Beth Klusmann <Beth.Klusmann@oag.texas.gov> **Sent:** Friday, January 21, 2022 10:03 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; SPetrany@LAW.GA.GOV; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Christian.Corrigan@mt.gov; Brent.Mead2@mt.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; ESmith@scag.gov; ThomasHydrick@scag.gov; HKirkland@scag.gov; BCook@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; sarah.campbell@ag.tn.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; james.kaste@wyo.gov; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; aferguson@oag.state.va.us **Cc:** Judd Stone <Judd.Stone@oag.texas.gov>; Drew.Ensign@azag.gov; Beau.Roysden@azag.gov **Subject:** RE: Draft States Amicus Brief - Mi Familia Vota v. Hobbs This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. Happy Friday everyone. We've decided to push our amicus filing until next week Tuesday to give everyone more time to join. So please let us know if you'd like to join by **Tuesday, January 25 at noon.** To recap the brief – voting-rights plaintiffs shouldn't be allowed to take insufficient section 2 results allegations and just claim "discriminatory purpose" in order to survive a motion to dismiss. We'd like to make a strong showing in support of Arizona on this one, so let me know if you have any questions or concerns about the brief. Thanks! Beth **From:** Beth Klusmann **Sent:** Tuesday, January 18, 2022 11:29 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; SPetrany@LAW.GA.GOV; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Christian.Corrigan@mt.gov; Brent.Mead2@mt.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.F.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; ESmith@scag.gov; ThomasHydrick@scag.gov; HKirkland@scag.gov; BCook@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; sarah.campbell@ag.tn.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; james.kaste@wyo.gov; ryan.schelhaas@wyo.gov; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov> **Cc:** Judd Stone <Judd.Stone@oag.texas.gov>; Drew.Ensign@azag.gov; Beau.Roysden@azag.gov **Subject:** Draft States Amicus Brief - Mi Familia Vota v. Hobbs Hello all, I've attached a draft States amicus brief in support of Arizona's motion to dismiss in its most recent voting litigation concerning two laws: (1) requiring missing signatures on mail-in ballots to be provided by election day; and (2) removing voters from the early voting list such that they no longer automatically receive mail-in ballots if they don't vote for two cycles and fail to respond when asked if they wish to remain on the list. Plaintiffs have not brought a section 2 results claim, but only a discriminatory-purpose claim and an undue-burden claim. Our amicus brief focuses on the purpose claim and highlights the need for adequate allegations of invidious purpose, the presumption of legislative good faith, and the discovery burdens that await if the motion to dismiss is denied. We'd like to file this on Friday, so please let me know if you'd like to join by **noon (CT) on Friday, January 21.** Thank you! Beth Beth Klusmann Assistant Solicitor General Office: (512) 936-1914 Cell: (469) 385-7590 Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
CC	Judd.Stone@oag.texas.gov, Drew.Ensign@azag.gov, Beau.Roysden@azag.gov

Record 227

Sender Name	LaCour, Edmund
Sender Email	Edmund.LaCour@AlabamaAG.gov

Recipients	Beth.Klusmann@oag.texas.gov, cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon @alaska.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@a rkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffr ey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBerge thon@LAW.GA.GOV, DWaldbeser@LAW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, ju lia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murri lle@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart @ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Anthony.J.Galdieri@d oj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorn eygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair @state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn. gov, Sarah.Campbell@ag.tn.gov, melissaholyoak@agutah.gov, rcantrell@agutah.gov, Lindsay.S. See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, r yan.schelhaas@wyo.gov, aferguson@oag.state.va.us
Subject	RE: Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:32:38.000 AM
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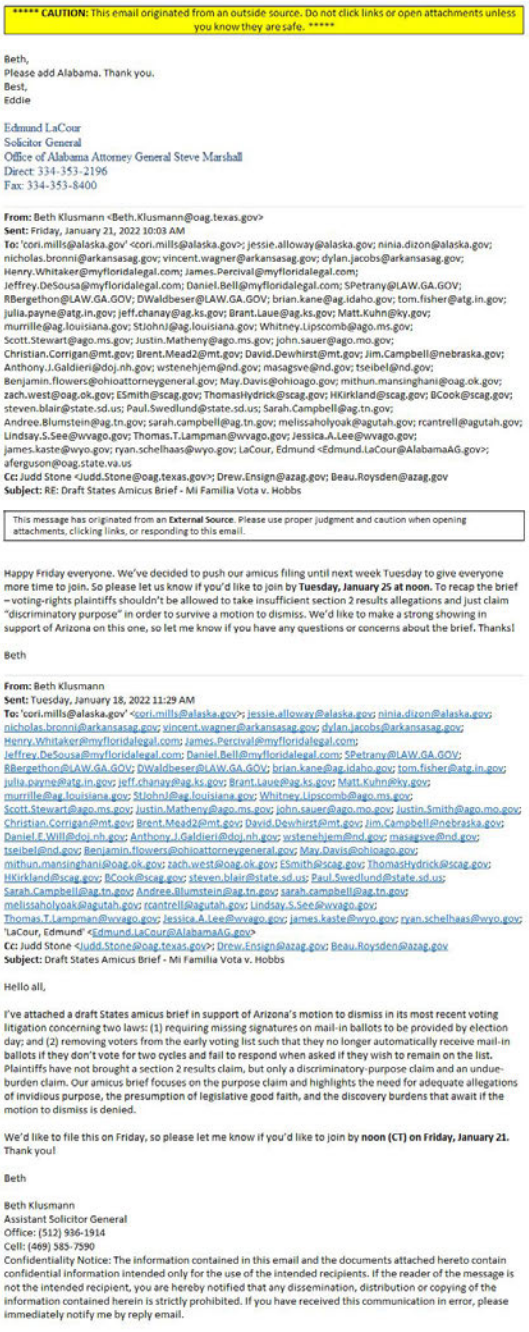
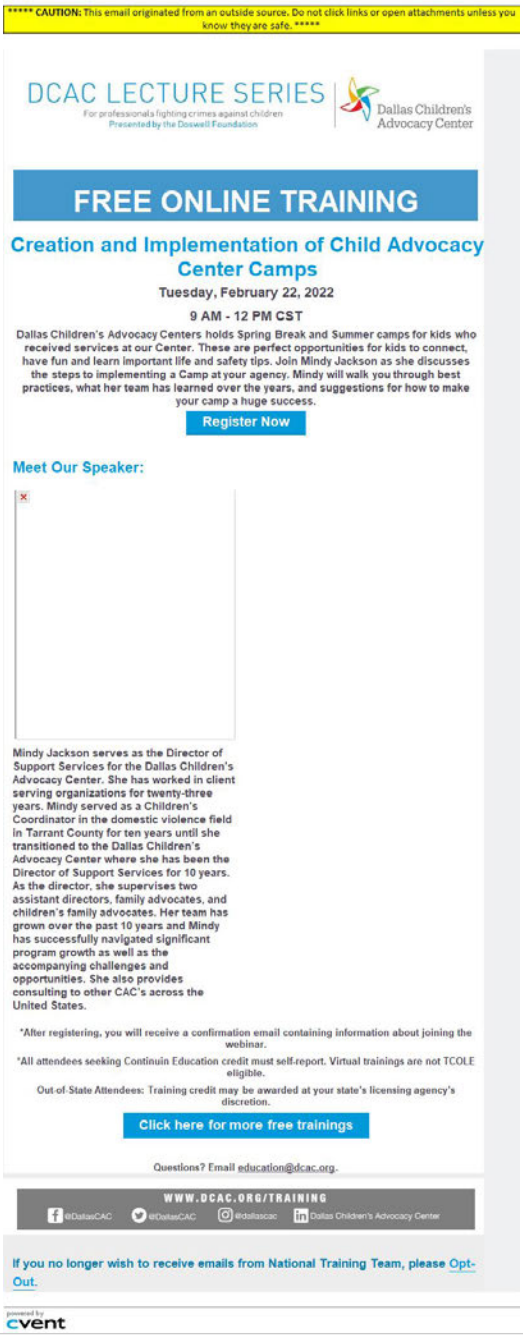
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:32:38.000 AM

Body	
CC	Judd.Stone@oag.texas.gov, Drew.Ensign@azag.gov, Beau.Roysden@azag.gov

Record 228

Sender Name	National Training Team
Sender Email	education@dcac.org
Recipients	wstenehjem@nd.gov
Subject	Free Online Training: Creation and Implementation of CAC Camps
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:22:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:16:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:22:55.000 AM

Body	

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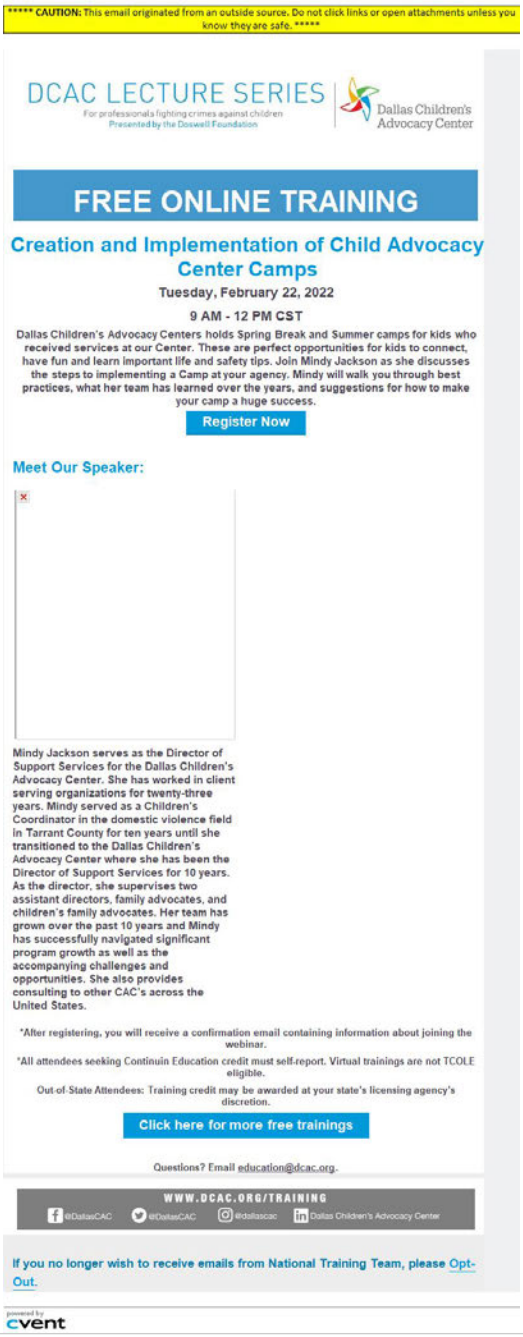
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:22:55.000 AM

Body	

Record 230

Sender Name	The Well News
Sender Email	ee@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Antitrust Action, Swinging Political Party Preferences, Outdated Wiretap Law
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 10:05:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 10:05:33.000 AM
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Record 231

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Record 232

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: CASAC's Call For Tighter PM Limits Could Pose Problems In Multiple States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:04:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:04:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:04:47.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** December 10, 2021 **CASAC's Call For Tighter PM Limits Could Pose Problems In Multiple States** EPA's adoption of substantially tighter federal limits for fine particulate matter (PM2.5), as clean air science advisers are urging, would pose challenges for multiple states and especially California, state sources say, though some regions in the Golden State and elsewhere may have to rely on new federal rules to help attain any new PM2.5 standard. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2021 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 233

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Recipients	wstenehjem@nd.gov
Subject	ICYMI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:15:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:15:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:15:24.000 PM

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December 10, 2021

In Case You Missed It: Must-Read Stories From The Past Week

EPA Seeks To Measure EJ Progress But May Need To 'Improve' Authority

The director of EPA's Office of Environmental Justice (OEJ), says the agency is planning to begin aggressively measuring its progress in meeting environmental justice (EJ) goals using first-time metrics required by the upcoming strategic plan, but that if there is not adequate progress by 2026 officials may have to consider asking Congress for new authority. **FULL STORY**

Split On 'Recycling,' Paper, Chemical Sectors Fight Over EPA Pyrolysis Rules

The paper industry is opposing the chemical sector's push for EPA to exempt the thermal processes pyrolysis and gasification from strict Clean Air Act incineration rules, charging that labeling the processes as "recycling," as chemical companies seek for plastics, would set an adverse precedent and create a competitive advantage for plastics. **FULL STORY**

Congress Poised To Enact NDAA After Cutting Tough House PFAS Measures

Congress is poised to enact a revised version of the fiscal year 2022 defense authorization bill that eliminates two controversial House measures that would have curbed the military's ability to procure a wide array of items containing per- and polyfluoroalkyl substances (PFAS) and forced it to comply with state cleanup standards stricter than federal levels. **FULL STORY**

EPA Agrees To Deadlines For Major Chemical Sector Air Toxics Rule Reviews

EPA has reached a proposed agreement with environmentalists to set deadlines to conduct overdue reviews of major chemical sector air toxics rules, in proceedings that may result in tougher standards to protect vulnerable communities but will impose stiff new mandates on hundreds of facilities as the sector is undergoing a significant expansion. **FULL STORY**

EPA Proposes Steep RFS Volume Cuts, But Plans To Deny Refiner Waivers

EPA is proposing significant reductions in biofuel blending volumes under the renewable fuel standard (RFS) for 2021 as compared to prior levels, along with a steep retroactive cut in 2020 levels, but is planning an increase in 2022 and also proposing to deny all petitions by small refiners to win economic hardship waivers from compliance. **FULL STORY**

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Record 234

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Breaking News: EPA Finalizes Near-Term Auto GHG Rule With Tougher Requirements
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:45:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:45:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:45:06.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** December 20, 2021 **EPA Finalizes Near-Term Auto GHG Rule With Tougher Requirements** EPA is finalizing an update to greenhouse gas standards for model year 2023-2026 light-duty vehicles, imposing requirements on automakers that will achieve "significant" emissions reductions including tighter standards than it initially proposed for later years covered by the rule. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2021 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

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Recipients	wstenehjem@nd.gov
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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:55:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:54:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:55:02.000 AM

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Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	The Morning Headlines from InsideEPA.com -- January 4, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:47:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:46:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:47:05.000 AM

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InsideEPA

January 4, 2022

Latest News

EPA Rescinds Trump Civil Inspection Rule To Restore Needed 'Flexibility'

Responding to an early Biden executive order (EO), EPA is rescinding a Trump-era rule that changed longstanding civil inspection practices after concluding that the rule, issued in 2020 to comply with a Trump EO, limited the flexibility agency inspectors need to conduct enforcement work on a case-by-case manner. **FULL STORY**

New Mexico Urges GAO To Review DOE's WIPP Policies In Cleanup Probe

New Mexico's top environmental regulator is urging the Government Accountability Office (GAO) to investigate the Energy Department's (DOE) policies at its Waste Isolation Pilot Plant (WIPP), the only geological repository for transuranic waste, as part of a broader probe into the department's cleanup program sought by a bipartisan group of lawmakers. **FULL STORY**
From Inside TSCA

Groups Charge EPA's Grant Of PFAS Test Petition Lacks 'Empirical' Basis

Environmental groups that petitioned EPA for TSCA test orders on 54 per- and polyfluoroalkyl substances (PFAS) found in North Carolina waters are pushing back on what they say is its merely nominal approval that relies on an existing TSCA testing plan for the chemicals, saying the approach lacks an "empirical" basis and misses the "purpose of the petition." **FULL STORY**

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Daily Feed

Quote-Unquote: Brownfields, methane and a new hazardous air pollutant

What they're saying. **FULL STORY**

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While the parties have agreed to dismiss this action, EPA's denial opens the door for the environmentalists to now challenge the rejection of their petition over Washington's standards on the merits. **FULL STORY**

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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:47:05.000 AM
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InsideEPA

January 4, 2022

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Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: EJ Group Seeks Tough Truck NOx Rule But EPA Rejects Call For Sales Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:14:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:06.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 5, 2022 **EJ Group Seeks Tough Truck NOx Rule But EPA Rejects Call For Sales Order** Environmental justice (EJ) advocates are demanding that EPA include zero-emission vehicle (ZEV) options and ban incentives for natural gas-fueled vehicles in its imminent proposal to limit nitrogen oxides (NOx) from the heavy-duty trucking sector, though one source says EPA Administrator Michael Regan has rejected their calls for a sales mandate. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

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InsideEPA

January 6, 2022

Latest News

OLEM Reviewing Thousands Of RCRA Facilities As Part Of EJ Action Plan

EPA's Office of Land and Emergency Management (OLEM) is conducting a broad review and analysis of thousands of facilities regulated under its waste management program to help address environmental justice (EJ) concerns, one of a series of steps the office is undertaking to respond to such concerns in its programs. **FULL STORY**

EPA Vows Oversight As Fears Grow Key Bay States May Miss TMDL Goals

The Biden EPA is pledging stringent oversight of Pennsylvania's revised plan to meet nutrient cleanup goals for the Chesapeake Bay as a new report from environmentalists warns that the Keystone State, along with Maryland and Virginia, are at risk of missing their 2025 pollution reduction goals. **FULL STORY**

States, Industry Renew Suit To Preserve Startup, Malfunction Air Waivers

States and industry groups opposed to the EPA policy banning air emissions exemptions for facilities during periods of startup, shutdown or malfunction (SSM) are again pressing their case against an Obama-era rule that seeks to remove such waivers from state air plans, after the Biden EPA said it will enforce the measure that Trump officials had stalled. **FULL STORY**

From Inside TSCA

ACC Urges 'Transparent' Review Of Cumulative Risk Guide For TSCA Use

The American Chemistry Council (ACC) is warning EPA's chemicals chief to seek new input of its long-awaited cumulative risk guidance -- through independent peer review and public comments -- before applying its principles to TSCA chemical evaluations, saying the agency's contractor-led review was not "transparent" enough for such a major policy shift. **FULL STORY**

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Daily Feed

Quote-unquote: As the new year begins

What they're saying. **FULL STORY**

EPA publishes 1-BP air toxics listing

EPA says the first-time listing will be effective in 30 days, on Feb. 5, though it cautions that the action is not judicially reviewable. **FULL STORY**

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The Biden EPA is pledging stringent oversight of Pennsylvania's revised plan to meet nutrient cleanup goals for the Chesapeake Bay as a new report from environmentalists warns that the Keystone State, along with Maryland and Virginia, are at risk of missing their 2025 pollution reduction goals. **FULL STORY**

States, Industry Renew Suit To Preserve Startup, Malfunction Air Waivers

States and industry groups opposed to the EPA policy banning air emissions exemptions for facilities during periods of startup, shutdown or malfunction (SSM) are again pressing their case against an Obama-era rule that seeks to remove such waivers from state air plans, after the Biden EPA said it will enforce the measure that Trump officials had stalled. **FULL STORY**

From Inside TSCA

ACC Urges 'Transparent' Review Of Cumulative Risk Guide For TSCA Use

The American Chemistry Council (ACC) is warning EPA's chemicals chief to seek new input of its long-awaited cumulative risk guidance -- through independent peer review and public comments -- before applying its principles to TSCA chemical evaluations, saying the agency's contractor-led review was not "transparent" enough for such a major policy shift. **FULL STORY**

EJ Group Seeks Tough Truck NOx Rule But EPA Rejects Call For Sales Order

Environmental justice (EJ) advocates are demanding that EPA include zero-emission vehicle (ZEV) options and ban incentives for natural gas-fueled vehicles in its imminent proposal to limit nitrogen oxides (NOx) from the heavy-duty trucking sector, though one source says EPA Administrator Michael Regan has rejected their calls for a sales mandate. **FULL STORY**

Daily Feed

Quote-unquote: As the new year begins

What they're saying. **FULL STORY**

EPA publishes 1-BP air toxics listing

EPA says the first-time listing will be effective in 30 days, on Feb. 5, though it cautions that the action is not judicially reviewable. **FULL STORY**

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Supreme Court Eyes Revisiting WOTUS Definition With Sackett Case

The Supreme Court is poised to decide whether to hear a case that seeks to narrow the definition of wetlands subject to Clean Water Act (CWA) protections, with supporters calling the case a "simple means" to clarify once and for all the scope of the law and environmentalists warning the court's new conservative majority could decimate regulatory oversight.

SAB Panelists Question Role Of EPA PFAS Mixtures Document For States

State and other members of EPA's Science Advisory Board (SAB) panel assessing various per- and polyfluoroalkyl substances (PFAS) documents are raising concerns over how the agency intends to use a draft framework for estimating noncancer risks associated with PFAS mixtures, fearing it could hamper ongoing state efforts to control the chemicals.

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The Biden administration is facing dueling goals in 2022 as it works to strengthen National Environmental Policy Act (NEPA) implementing rules and other policies that were scaled back by Trump officials while still meeting its goals to speed low-carbon and other priority projects, many of which will be funded by congressional infrastructure bills.

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High Court Weighs Limiting EPA Powers In Swath Of Pending Litigation

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Key Air Toxics Policy Decisions Await As EPA Faces Heavy Workload

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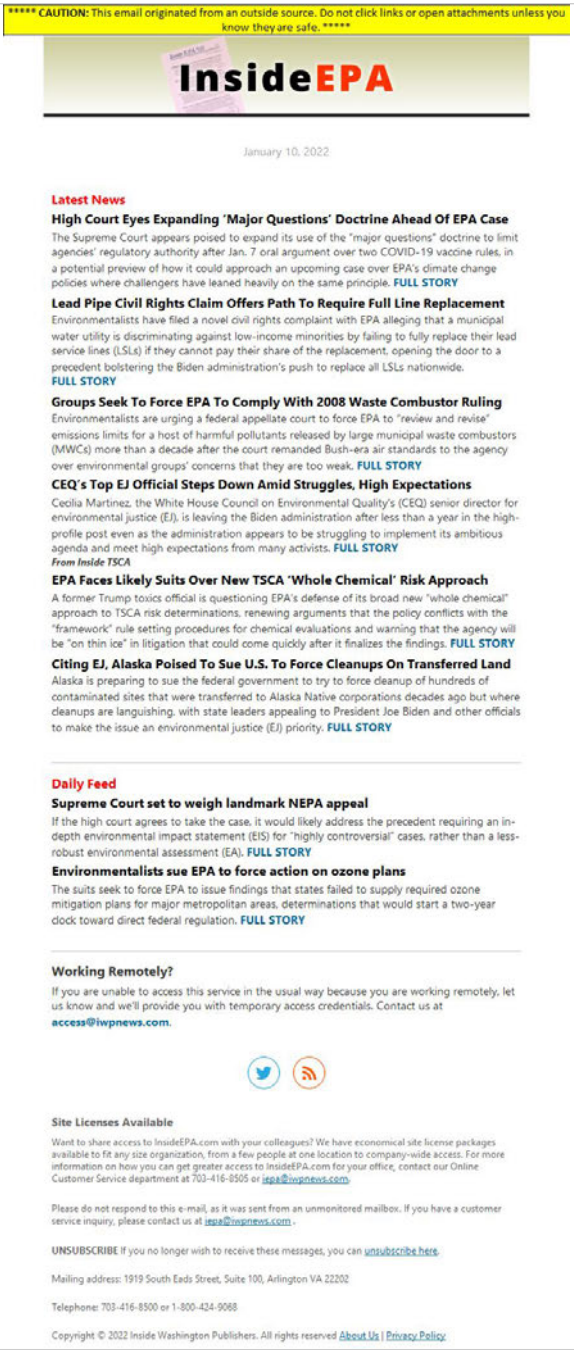
Body	

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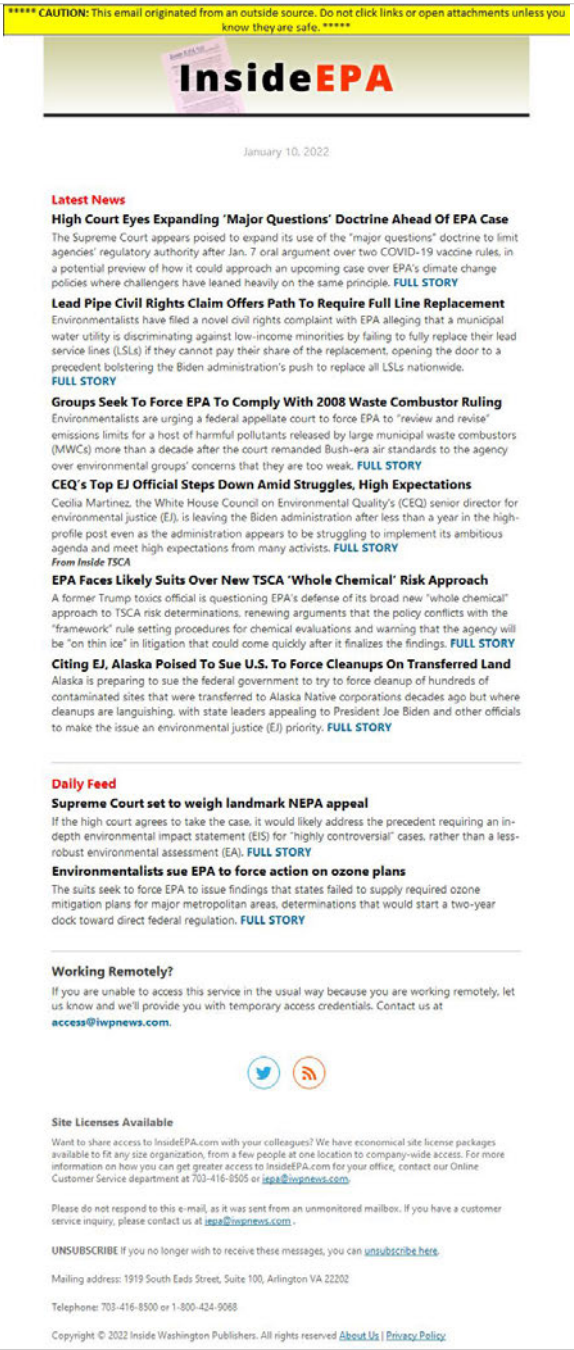
Body	

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Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 12, 2022 **EPA Seeks Remand Of CAFO Suit To Reconsider Trump-Era ELG Stance** EPA is asking a federal appellate court to remand without vacatur its conclusion made at the end of Trump administration that no updates were needed to technology-based effluent limits for concentrated animal feeding operations (CAFOs), saying the agency plans to reevaluate its position, which could end pending litigation. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 11:04:49.000 AM
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Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 12, 2022 **EPA Seeks Remand Of CAFO Suit To Reconsider Trump-Era ELG Stance** EPA is asking a federal appellate court to remand without vacatur its conclusion made at the end of Trump administration that no updates were needed to technology-based effluent limits for concentrated animal feeding operations (CAFOs), saying the agency plans to reevaluate its position, which could end pending litigation. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 256

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Inside EPA's Outlook 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 1:33:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 1:33:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 1:33:53.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 12, 2022 **OUTLOOK 2022** Below is today's featured content from *Inside EPA's Outlook 2022*, a special report on the year ahead for environmental and climate change policy and the numerous tests -- legal, political, and technical -- the Biden administration will face as it advances its ambitious agenda at EPA and other agencies. **PFAS Values May Drive Strict Policies But EPA Faces Complicated Effects** EPA's conservative draft risk values for the two best characterized per- and polyfluoroalkyl substances (PFAS), currently undergoing scientific review, are expected to eventually drive strict new drinking water standards and policies across a range of other media, though industry attorneys caution that regulators may not be prepared for potential effects. **READ MORE →** **Despite Aggressive Policies, California Not On Track For GHG, Air Goals** Despite California's pioneering and aggressive policies to reduce greenhouse gas emissions and conventional air pollution, the state enters 2022 facing seemingly near-impossible odds of achieving its carbon-reduction targets and EPA's legal mandates to attain criteria air pollution limits. **READ MORE →** **Environmentalists Seek To Toughen RMP Rule As EPA Readies Latest Redo** As EPA readies a new Risk Management Plan (RMP) rule governing chemical facility safety for proposal by early fall, the third such effort in as many administrations, environmentalists who have long advocated for a strengthened rule say they are optimistic the agency will use the opportunity to address growing climate change risks and environmental justice (EJ) concerns. **READ MORE →** **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 257

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Inside EPA's Outlook 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 1:33:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 1:33:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 1:33:53.000 PM

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InsideEPA

January 12, 2022

OUTLOOK 2022

Below is today's featured content from *Inside EPA's Outlook 2022*, a special report on the year ahead for environmental and climate change policy and the numerous tests -- legal, political, and technical -- the Biden administration will face as it advances its ambitious agenda at EPA and other agencies.

PFAS Values May Drive Strict Policies But EPA Faces Complicated Effects

EPA's conservative draft risk values for the two best characterized per- and polyfluoroalkyl substances (PFAS), currently undergoing scientific review, are expected to eventually drive strict new drinking water standards and policies across a range of other media, though industry attorneys caution that regulators may not be prepared for potential effects.

READ MORE →

Despite Aggressive Policies, California Not On Track For GHG, Air Goals

Despite California's pioneering and aggressive policies to reduce greenhouse gas emissions and conventional air pollution, the state enters 2022 facing seemingly near-impossible odds of achieving its carbon-reduction targets and EPA's legal mandates to attain criteria air pollution limits.

READ MORE →

Environmentalists Seek To Toughen RMP Rule As EPA Readies Latest Redo

As EPA readies a new Risk Management Plan (RMP) rule governing chemical facility safety for proposal by early fall, the third such effort in as many administrations, environmentalists who have long advocated for a strengthened rule say they are optimistic the agency will use the opportunity to address growing climate change risks and environmental justice (EJ) concerns.

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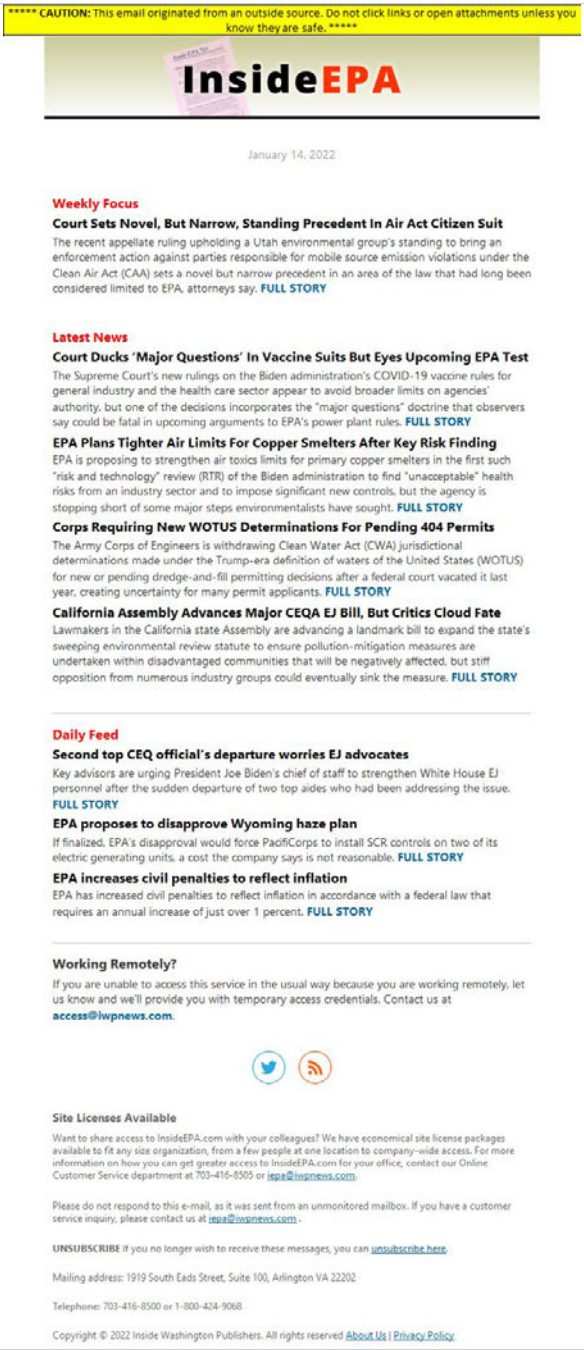
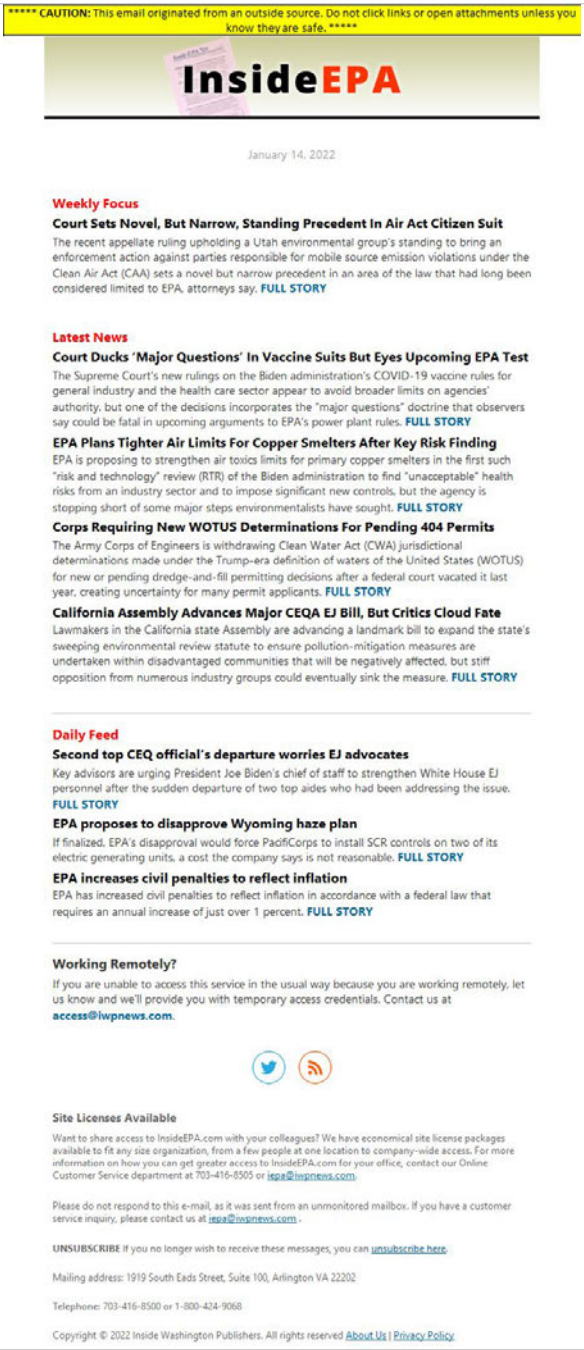
Record 258

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	The Morning Headlines from InsideEPA.com -- January 14, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:47:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:46:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:47:07.000 AM

Body	

Record 259

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	The Morning Headlines from InsideEPA.com -- January 14, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:47:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:46:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:47:07.000 AM

Body	

Record 260

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: EPA Enhances Air Toxics Risk, SIP Backlog Plans To End OIG Criticism
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:14:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:14:44.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:14:47.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 19, 2022 **EPA Enhances Air Toxics Risk, SIP Backlog Plans To End OIG Criticism** EPA will take further steps to improve its communication of air toxics risks to the public, and to more quickly whittle down its backlog of state air plans that are awaiting approval, ending protracted investigations by the agency's Office of Inspector General (OIG) that repeatedly faulted agency policy on both issues. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 261

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: EPA Enhances Air Toxics Risk, SIP Backlog Plans To End OIG Criticism
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:14:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:14:44.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:14:47.000 PM

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Record 262

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: Early WOTUS Comments Underscore Difficult Path To 'Durable' CWA Rule
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:04:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:04:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:04:47.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 20, 2022 **Early WOTUS Comments Underscore Difficult Path To 'Durable' CWA Rule** Early comments to EPA and the Army Corps of Engineers on their proposal to rewrite the Clean Water Act (CWA) definition of waters of the United States (WOTUS) illustrate the challenge facing the Biden administration's goal of crafting a "durable" WOTUS standard, as stakeholders are already setting out diametrically opposed views of the proposal. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 263

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: Early WOTUS Comments Underscore Difficult Path To 'Durable' CWA Rule
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:04:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:04:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:04:47.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 20, 2022 **Early WOTUS Comments Underscore Difficult Path To 'Durable' CWA Rule** Early comments to EPA and the Army Corps of Engineers on their proposal to rewrite the Clean Water Act (CWA) definition of waters of the United States (WOTUS) illustrate the challenge facing the Biden administration's goal of crafting a "durable" WOTUS standard, as stakeholders are already setting out diametrically opposed views of the proposal. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 264

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: House Democrats See Energy Threats, Opportunities In Cryptocurrencies
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:45:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:44:59.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:45:02.000 AM

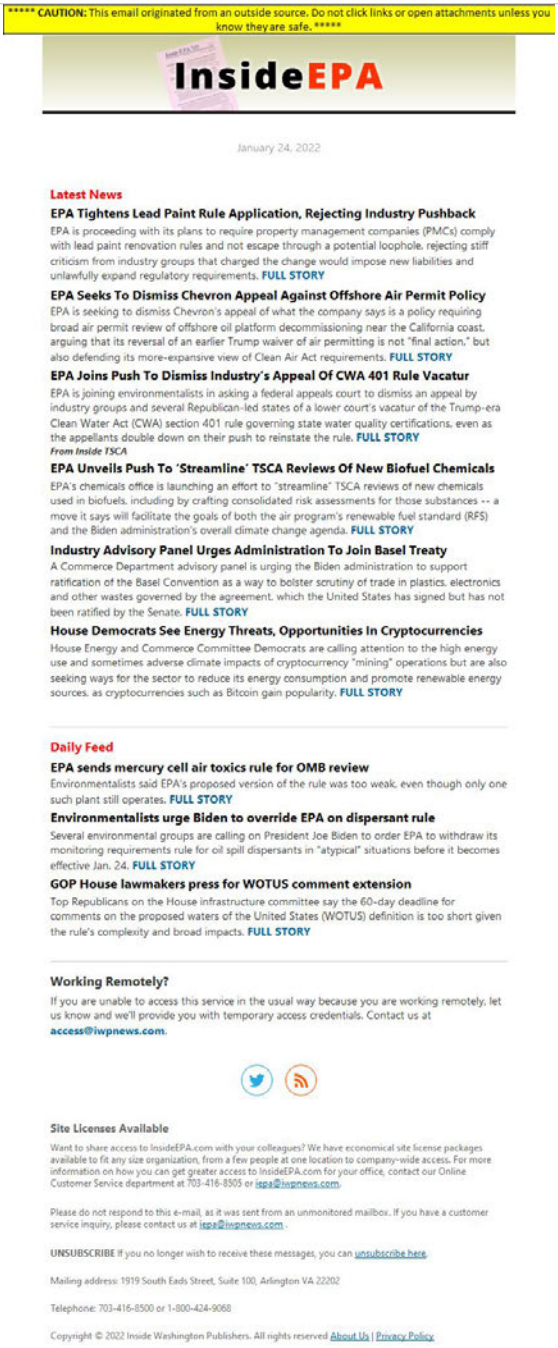
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 21, 2022 **House Democrats See Energy Threats, Opportunities In Cryptocurrencies** House Energy and Commerce Committee Democrats are calling attention to the high energy use and sometimes adverse climate impacts of cryptocurrency "mining" operations but are also seeking ways for the sector to reduce its energy consumption and promote renewable energy sources, as cryptocurrencies such as Bitcoin gain popularity. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 265

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Subject	Latest News: House Democrats See Energy Threats, Opportunities In Cryptocurrencies
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:44:59.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:45:02.000 AM

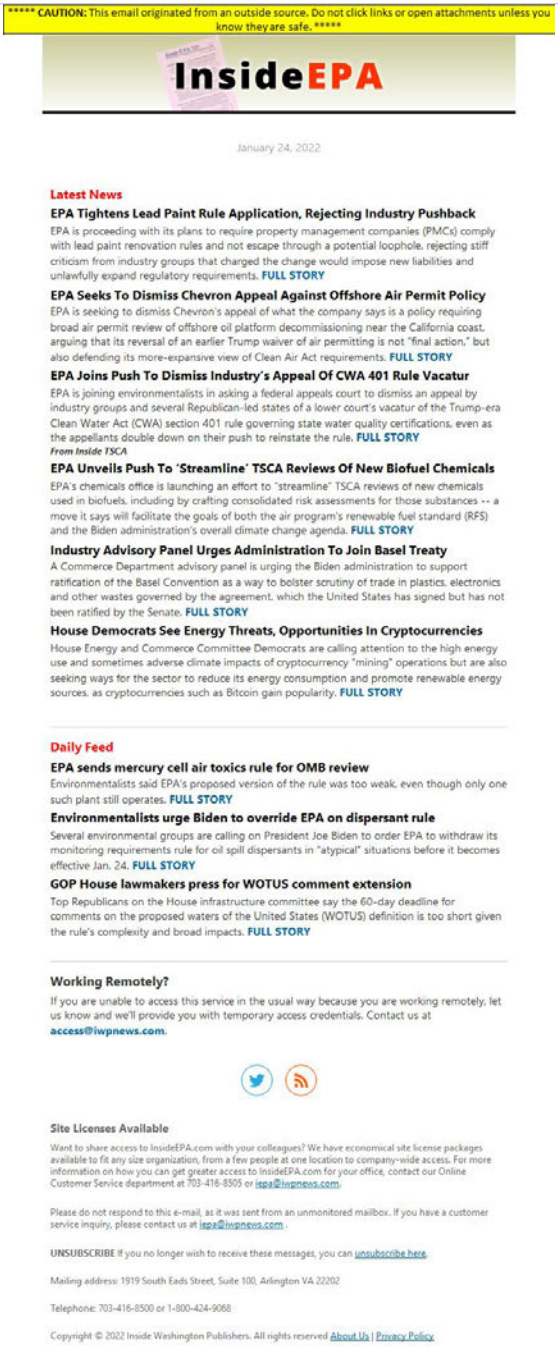
Record 266

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	The Morning Headlines from InsideEPA.com -- January 24, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 7:36:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 7:36:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 7:36:04.000 AM

Body	

Record 267

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	The Morning Headlines from InsideEPA.com -- January 24, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 7:36:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 7:36:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 7:36:04.000 AM

Body	

Record 268

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: EPA Defends Lifting Ozone 'Anti-Backsliding' Measures In Key Test Case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:35:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:35:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:35:17.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 25, 2022 **EPA Defends Lifting Ozone 'Anti-Backsliding' Measures In Key Test Case** EPA is defending its decision to lift "anti-backsliding" measures, imposed on Houston and Dallas to prevent worsening of air quality, against environmentalists' potentially precedent-setting suit that claims the agency cannot lift such backstop measures even if they apply to federal ozone standards since revoked and replaced by tougher limits. **READ MORE →** **UNSUBSCRIBE** If you no longer wish to receive these messages, you can unsubscribe by **clicking here**. **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 269

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Latest News: EPA Defends Lifting Ozone 'Anti-Backsliding' Measures In Key Test Case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:35:17.000 AM
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Record 270

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Inside EPA's Insider: High Court Could Add Needed Clarity While Narrowing CWA Jurisdiction
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:03:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:03:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:03:15.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 25, 2022 **Now available: The latest edition of The Insider** **High Court Could Add Needed Clarity While Narrowing CWA Jurisdiction** The Supreme Court's decision to revisit which waterbodies the Clean Water Act (CWA) should regulate could narrow the law's reach while providing much needed clarity following nearly two decades of debate and flip-flopping regulatory interpretations between Democratic and Republican administrations. **READ THE INSIDER →** *Inside EPA's **Insider** is your weekly report on what's hot and what's coming up, with direct links to more detailed articles and documents.* **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

Record 271

Sender Name	InsideEPA.com
Sender Email	epa-alerts@iwpnews.com
Recipients	wstenehjem@nd.gov
Subject	Inside EPA's Insider: High Court Could Add Needed Clarity While Narrowing CWA Jurisdiction
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:03:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:03:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:03:15.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 25, 2022 **Now available: The latest edition of The Insider** **High Court Could Add Needed Clarity While Narrowing CWA Jurisdiction** The Supreme Court's decision to revisit which waterbodies the Clean Water Act (CWA) should regulate could narrow the law's reach while providing much needed clarity following nearly two decades of debate and flip-flopping regulatory interpretations between Democratic and Republican administrations. **READ THE INSIDER →** *Inside EPA's **Insider** is your weekly report on what's hot and what's coming up, with direct links to more detailed articles and documents.* **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

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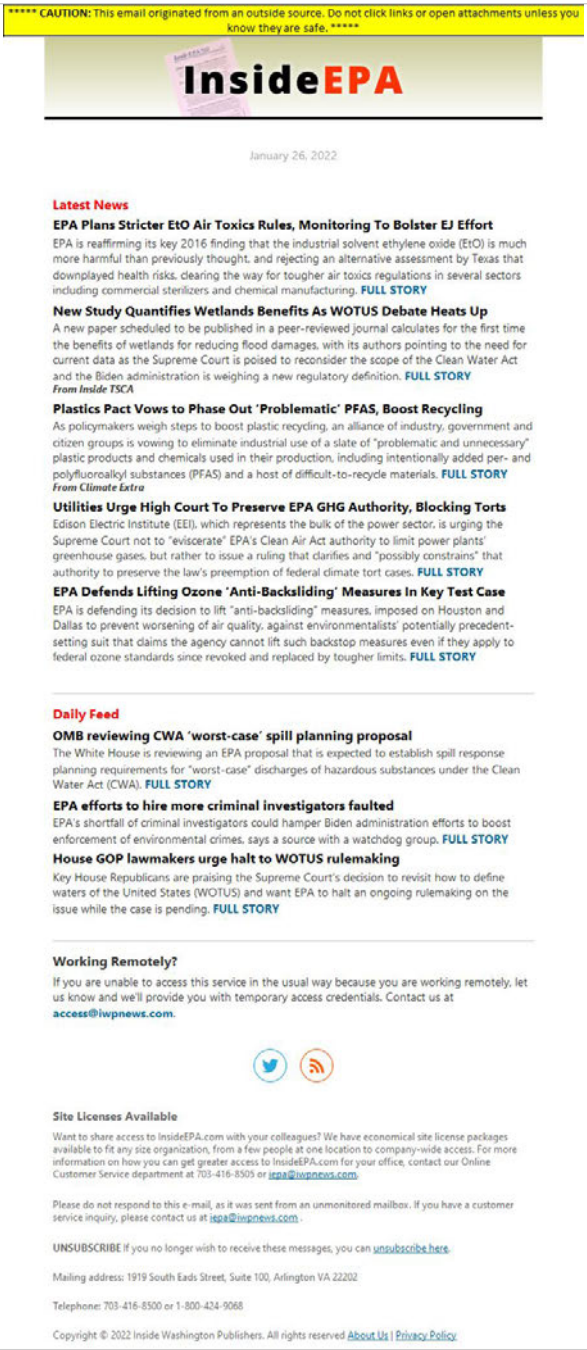
Subject	The Morning Headlines from InsideEPA.com -- January 26, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:46:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:46:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:46:58.000 AM

Body	

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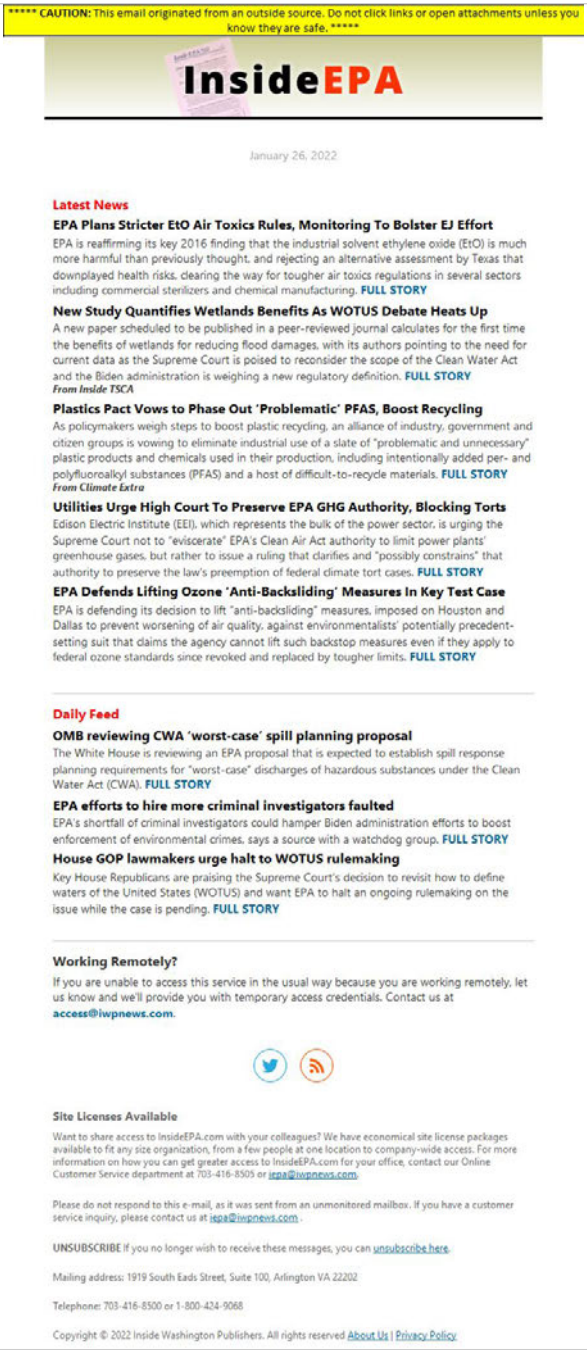
Body	

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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 5:47:25.000 AM
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Latest News

EPA's Narrow EtO Risk Plan Sidesteps Environmentalists' Broader Concerns

EPA's just-released proposal to reaffirm its use of a key agency risk assessment for ethylene oxide (EtO) in chemical sector air regulation and reject a weaker Texas alternative avoids addressing broad concerns raised by environmentalists, promoting fresh calls for tougher monitoring and other action to strengthen EPA's air toxics program. **FULL STORY**

Biden Urged To Replace Breyer With Strong Environmental Pick

Environmentalists and their Democratic allies are urging President Joe Biden to replace departing Supreme Court Justice Stephen Breyer with a strong supporter of environmental laws, charging that such a pick is needed to block the court's conservative majority from further gutting them. **FULL STORY**

From Inside TSCA

EPA Faces 2022 Target For 'Integrity' Reforms, Underscoring TSCA Battle

EPA is slated to update its scientific integrity policies by the end of 2022 as part of an administration-wide push on the subject, but the agency's science integrity officer is warning that remedying alleged violations at the TSCA new chemicals office will be a lengthier process, as they stem from deep-seated conditions that "don't change miraculously overnight." **FULL STORY**

From Climate Extra

Efficiency Group Urges EPA To Eliminate EV Multiplier For Heavy Trucks

Energy efficiency advocates are pressing EPA to propose "substantial changes" to its current heavy-duty vehicle greenhouse gas standards, including elimination of an electric vehicle (EV) credit multiplier, citing concerns that narrower updates would undercut the standards by not fully accounting for a growing electrification push. **FULL STORY**

EPA Again Faults Texas' Air 'Permits By Rule' But Declines Policy Changes

EPA Administrator Michael Regan is continuing to object to Texas' issuance of generic "permits by rule" (PBRs) that are incorporated into Clean Air Act Title V operating permits, handing a win to environmentalists who sought the objection though still falling short of their calls for major policy changes on reviewing the Title V permits. **FULL STORY**

Daily Feed

Quote-Unquote: By the initials -- PFAS, CEQ, SCC and GHG

What they're saying. **FULL STORY**

EPA defends expanded Denver ozone nonattainment zone

EPA is urging a federal appellate court to dismiss a case brought by an outlying Denver county that claims the agency wrongly included its northern parts in the newly enlarged nonattainment area, threatening oil and gas drilling. **FULL STORY**

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High Court Again Wades Into Debate Over Water Act's WOTUS Definition

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Proposed PFAS Superfund Listing May Prompt Early PRP Defense Action

EPA's move toward designating the two most-studied per- and polyfluoroalkyl substances (PFAS) as "hazardous substances" under the Superfund law is expected to trigger a host of activities, including prompting potentially responsible parties (PRPs) to begin developing arguments against reopening cleanups ahead of the listing's finalization.

Biden EPA Touts First-Year OECA Accomplishments Including EJ Focus

On the one-year anniversary of Joe Biden's presidency, EPA's Office of Enforcement & Compliance Assurance (OECA) is touting its first-year accomplishments including a major shift in focus to environmental justice (EJ) communities, an administration-wide priority.

CEQ Urges Appeals Court To Dismiss Challenge To Trump NEPA Rule

The White House Council on Environmental Quality (CEQ) is urging a federal appellate court to reject environmentalists' efforts to continue their litigation over the Trump administration's rule that dramatically scaled back how agencies implement the National Environmental Policy Act (NEPA), including regarding climate analysis.

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Subject	Today's Must-Read News
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 12:38:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 12:38:08.000 PM
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January 27, 2022

White House Launches Initiative To Tighten Water Sector's Cybersecurity

The White House is expanding the Biden administration's industrial control system cybersecurity initiative to include wastewater and drinking water systems, seeking to bolster EPA and other agencies' efforts in the sector that have long been viewed as inadequate and in need of significant strengthening.

EPA Under Renewed Pressure To Strengthen Chemical Facility Safety Rule

EPA is under renewed pressure to significantly strengthen protections under its chemical facility safety rule for communities living near industrial facilities, with state and local lawmakers from more than a dozen states citing environmental justice (EJ) concerns and urging measures beyond those established by the Obama administration.

Read all the latest EPA news, analysis and documents →

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Subject	Weekly Focus: Environmentalists Frustrated With EPA's Slow Pace On Repealing Trump Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:06:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:06:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:06:10.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** January 27, 2022 **THE WEEKLY FOCUS** *An in-depth look from our editors at a specific issue facing the Agency, published weekly.* **Environmentalists Frustrated With EPA's Slow Pace On Repealing Trump Rules** As the Biden administration passes its one-year mark, environmentalists are expressing growing frustration with the slow pace of EPA's efforts to repeal and replace what they say are highly problematic Trump-era rules and guidance documents, even as they acknowledge that some delays are due to the White House rather than the agency. **READ MORE →** **Site Licenses Available** Want to share access to InsideEPA.com with your colleagues? We have economical site license packages available to fit any size organization, from a few people at one location to company-wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact our Online Customer Service department at 703-416-8505 or iepa@iwpnews.com. Please do not respond to this e-mail, as it was sent from an unmonitored mailbox. If you have a customer service inquiry, please contact us at iepa@iwpnews.com. If you no longer wish to receive these messages, you can change your e-mail settings on InsideEPA.com (you may need to log in). Mailing address: 1919 South Eads Street, Suite 100, Arlington VA 22202 Telephone: 703-416-8500 or 1-800-424-9068 Copyright © 2022 Inside Washington Publishers. All rights reserved About Us | Privacy Policy

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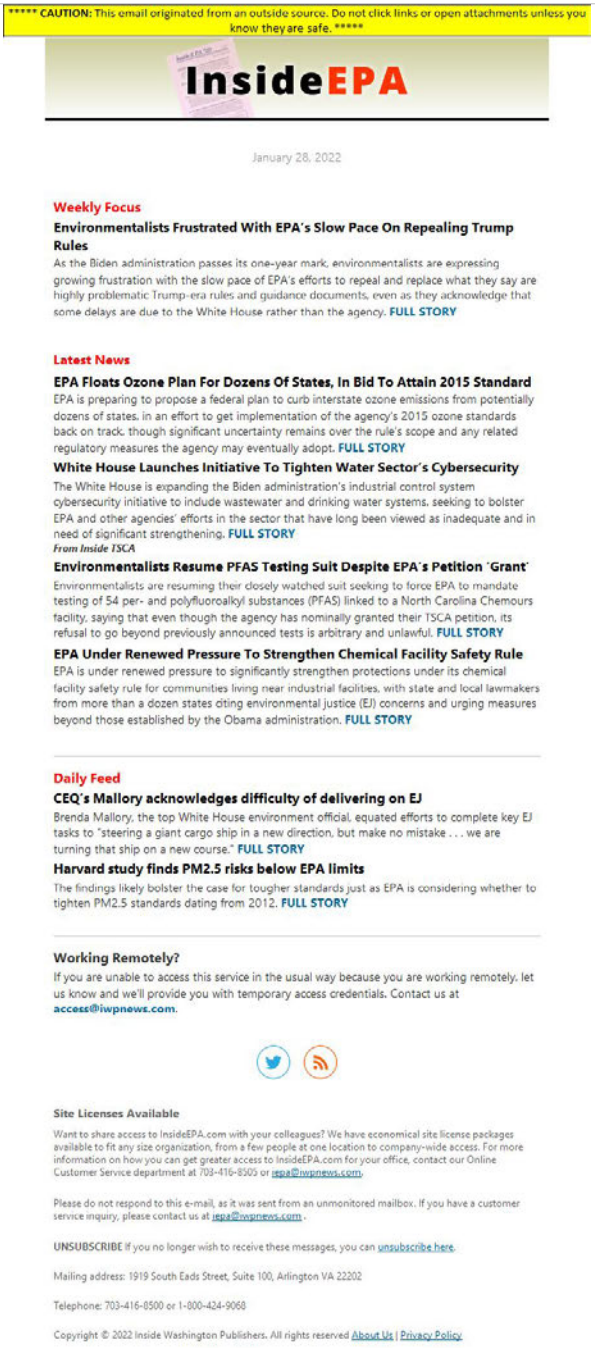
Body	

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Subject	Latest News: EPA Plans To Reject Industry Petition To Ease Disposal Of Railroad Ties
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:35:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:34:43.000 AM
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EPA Retains Controversial Turbidity Monitoring In Final Stormwater Permit

EPA has finalized the latest version of its general permit for stormwater at construction sites, maintaining a requirement for turbidity benchmark monitoring of certain discharges that industry groups strongly opposed, saying the threshold is not an effluent limit that would trigger a permit violation but a "warning sign" for operators to improve their performance. **FULL STORY**

New Study Quantifies Wetlands Benefits As WOTUS Debate Heats Up

A new paper scheduled to be published in a peer-reviewed journal calculates for the first time the benefits of wetlands for reducing flood damages, with its authors pointing to the need for current data as the Supreme Court is poised to reconsider the scope of the Clean Water Act and the Biden administration is weighing a new regulatory definition. **FULL STORY**

EPA Heavy-Duty Rule Backers Stream To OMB To Counter Industry Claims

Environmental groups, states and trucking-industry suppliers are rushing to meet with the White House Office of Management & Budget (OMB) to press their case for strict EPA nitrogen oxide (NOx) limits for heavy-duty trucks in a bid to counter what they say is an unusually relentless and unified industry campaign to weaken the limits. **FULL STORY**

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Record 284

Sender Name	Gary H. Baise
Sender Email	gbaise@ofwlaw.com
Subject	FW: California Proposition 12 will spread disease
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:56:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:56:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:56:56.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All: Merry Christmas from Chairman Charles W. Herbester. Gary https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.farmprogress.com%2Fcomme proposition-12-will-spread-disease&data=04%7C01%7Cwstenehjem%40nd.gov%7C5c9a159bdcf04400deff08d9c3e2195f%7C2c Sent from my iPhone
CC	kevinengel1991@gmail.com, dave@westernjustice.info, baybranch1951@yahoo.com, elgers@msn.com

Record 285

Sender Name	Gary H. Baise
Sender Email	gbaise@ofwlaw.com
Subject	FW: California Proposition 12 will spread disease
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:56:55.000 AM
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:56:56.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All: Merry Christmas from Chairman Charles W. Herbester. Gary https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.farmprogress.com%2Fcomme proposition-12-will-spread-disease&data=04%7C01%7Cwstenehjem%40nd.gov%7C5c9a159bdcf04400deff08d9c3e2195f%7C2c Sent from my iPhone
CC	kevinengel1991@gmail.com, dave@westernjustice.info, baybranch1951@yahoo.com, elgers@msn.com

Record 286

Sender Name	Geoff Simon
Sender Email	geoff@ndenergy.org
Recipients	wstenehjem@nd.gov
Subject	Comments on Hydrogen Hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:23:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:23:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:23:22.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Wayne – Sorry this is a long email, but please read it in its entirety. The Coal Conversion Counties Association is a subset of the Western Dakota Energy Association. The CCCA represents cities, counties and school districts in the three coal-producing counties. Its members are concerned about the pending proposal of Bakken Energy and Mitsubishi to convert the Great Plains Synfuels plant to produce blue hydrogen from natural gas. Attached is a letter you previously received stating some of those concerns. CCCA members suspect that because the project received the early endorsement of Governor Burgum, important questions have not been addressed and the project has not been thoroughly vetted. Earlier this week, the application of Bakken Energy for a grant and loan to support the project was endorsed by the Clean Sustainable Energy Authority, and will be coming before the Industrial Commission next week. After listening to the orchestrated presentation of Bakken Energy, and the ensuing discussion with the CSEA board, our coal county members still have many unanswered questions. Please consider these as you ponder a decision at next week's Industrial Commission meeting: 1. Bakken Energy proposes to use 175 million cubic feet of natural gas per day to produce hydrogen. How will the product be transported to market? Is Bakken proposing to construct an ammonia pipeline? Where would it go and what is the timeline/likelihood for permitting? If not a pipeline, how will that volume of product be transported? 2. Basin Electric said it has been losing money at the synfuels plant due to low natural gas prices. But prices have increased significantly in recent months. Is the plant once again profitable producing syngas from coal? If the plant is profitable in the next three years of operation, how does it affect the plan to produce hydrogen? 3. Federal grant guidelines generally require local support for a project, but Bakken Energy has not met with the CCCA membership to answer their questions. Why hasn't that meeting occurred? 4. It appears this project is heavily dependent on federal grants and loans from DOE. Will the parties, Bakken Energy and Mitsubishi (which is a $5.2 trillion company), proceed with the project if it fails to receive federal support? 5. If the project depends on federal support that may or may not be received, is it premature for the State of North Dakota to make a financial commitment at this time? Should the decision of the Industrial Commission be postponed until there is more certainty about project funding? Thank you for your consideration. *Geoff Simon* Executive Director Western Dakota Energy Association 701-527-1832 (mobile) geoff@ndenergy.org
Attachments	15983.pdf

Record 287

Sender Name	Geoff Simon
Sender Email	geoff@ndenergy.org
Recipients	wstenehjem@nd.gov
Subject	Comments on Hydrogen Hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:23:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:23:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:23:22.000 AM

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Attachments	12625.pdf

Record 288

Sender Name	Geoff Simon
Sender Email	geoff@ndenergy.org
Recipients	wstenehjem@nd.gov
Subject	Re: Comments on Hydrogen Hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:38:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:38:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:38:29.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Thanks Wayne, and congrats on your retirement. You will be missed. We appreciate all you've done for the energy industry. I say we let the anti-coal people in the Twin Cities freeze in the dark. ❄ Geoff Sent from my iPhone, a petroleum product powered by coal. On Dec 20, 2021, at 8:26 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: Thanks, Geoff [And I did read through to the end Wayne **From:** Geoff Simon <geoff@ndenergy.org> **Sent:** Friday, December 17, 2021 9:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Comments on Hydrogen Hub ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Wayne – Sorry this is a long email, but please read it in its entirety. The Coal Conversion Counties Association is a subset of the Western Dakota Energy Association. The CCCA represents cities, counties and school districts in the three coal-producing counties. Its members are concerned about the pending proposal of Bakken Energy and Mitsubishi to convert the Great Plains Synfuels plant to produce blue hydrogen from natural gas. Attached is a letter you previously received stating some of those concerns. CCCA members suspect that because the project received the early endorsement of Governor Burgum, important questions have not been addressed and the project has not been thoroughly vetted. Earlier this week, the application of Bakken Energy for a grant and loan to support the project was endorsed by the Clean Sustainable Energy Authority, and will be coming before the Industrial Commission next week. After listening to the orchestrated presentation of Bakken Energy, and the ensuing discussion with the CSEA board, our coal county members still have many unanswered questions. Please consider these as you ponder a decision at next week's Industrial Commission meeting: 1. Bakken Energy proposes to use 175 million cubic feet of natural gas per day to produce hydrogen. How will the product be transported to market? Is Bakken proposing to construct an ammonia pipeline? Where would it go and what is the timeline/likelihood for permitting? If not a pipeline, how will that volume of product be transported? 2. Basin Electric said it has been losing money at the synfuels plant due to low natural gas prices. But prices have increased significantly in recent months. Is the plant once again profitable producing syngas from coal? If the plant is profitable in the next three years of operation, how does it affect the plan to produce hydrogen? 3. Federal grant guidelines generally require local support for a project, but Bakken Energy has not met with the CCCA membership to answer their questions. Why hasn't that meeting occurred? 4. It appears this project is heavily dependent on federal grants and loans from DOE. Will the parties, Bakken Energy and Mitsubishi (which is a $5.2 trillion company), proceed with the project if it fails to receive federal support? 5. If the project depends on federal support that may or may not be received, is it premature for the State of North Dakota to make a financial commitment at this time? Should the decision of the Industrial Commission be postponed until there is more certainty about project funding? Thank you for your consideration. *Geoff Simon* Executive Director Western Dakota Energy Association 701-527-1832 (mobile) geoff@ndenergy.org

Record 289

Sender Name	Geoff Simon
Sender Email	geoff@ndenergy.org
Recipients	wstenehjem@nd.gov
Subject	Re: Comments on Hydrogen Hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:38:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:38:24.000 AM
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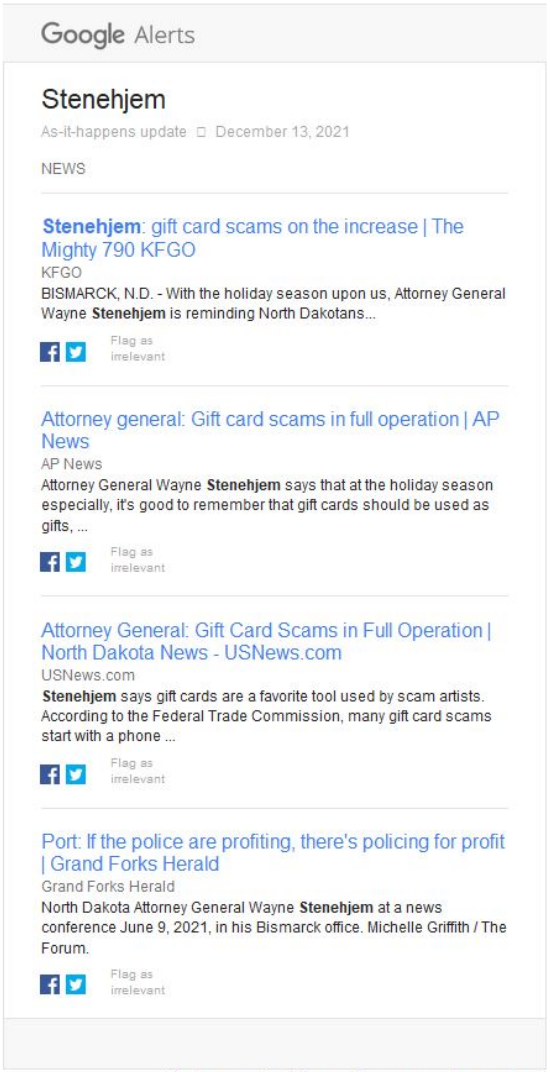
Record 290

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:40:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:40:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:40:21.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts **Stenehjem** As-it-happens update · December 13, 2021 NEWS **Stenehjem**: gift card scams on the increase | The Mighty 790 KFGO KFGO BISMARCK, N.D. - With the holiday season upon us, Attorney General Wayne **Stenehjem** is reminding North Dakotans... Flag as irrelevant Attorney general: Gift card scams in full operation | AP News AP News Attorney General Wayne **Stenehjem** says that at the holiday season especially, it's good to remember that gift cards should be used as gifts, ... Flag as irrelevant Attorney General: Gift Card Scams in Full Operation | North Dakota News - USNews.com USNews.com **Stenehjem** says gift cards are a favorite tool used by scam artists. According to the Federal Trade Commission, many gift card scams start with a phone ... Flag as irrelevant Port: If the police are profiting, there's policing for profit | Grand Forks Herald Grand Forks Herald North Dakota Attorney General Wayne **Stenehjem** at a news conference June 9, 2021, in his Bismarck office. Michelle Griffith / The Forum. Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 12:41:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 12:41:00.000 AM
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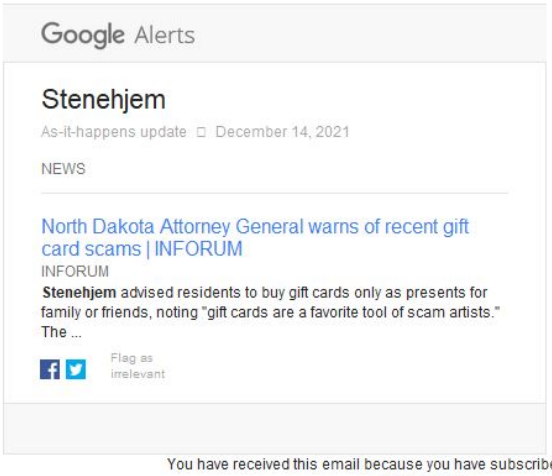
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 12:41:06.000 AM
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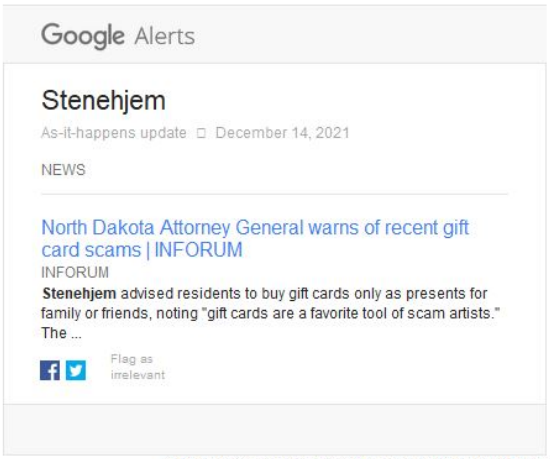
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem

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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 2:40:18.000 AM
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Body	

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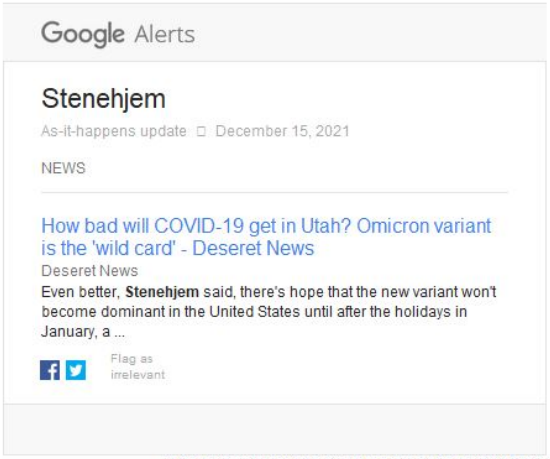

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Stenehjem

As-it-happens update · December 15, 2021

NEWS

How bad will COVID-19 get in Utah? Omicron variant is the 'wild card' - Deseret News

Deseret News

Even better, **Stenehjem** said, there's hope that the new variant won't become dominant in the United States until after the holidays in January, a ...

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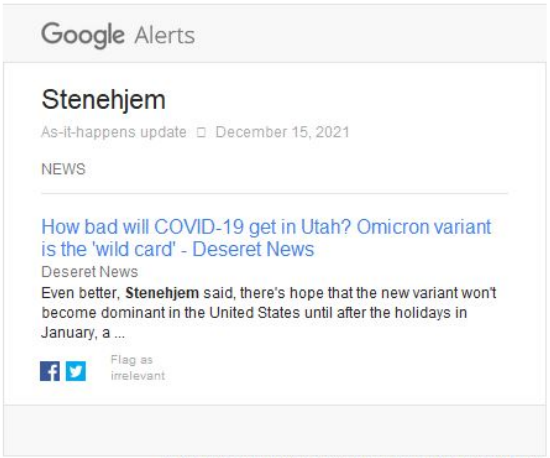

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Stenehjem

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Sender Name	Google Alerts
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Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 7:40:25.000 PM
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 7:40:25.000 PM
Body	

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Stenehjem

As-it-happens update â‹… December 18, 2021

NEWS

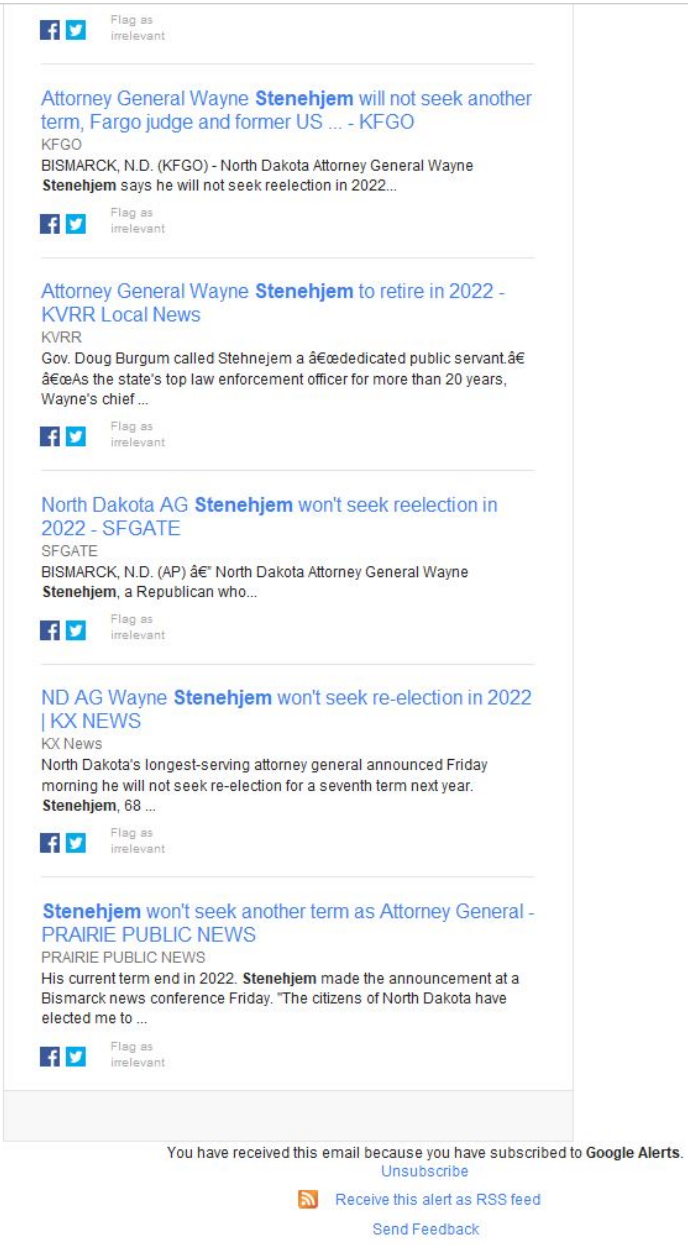
Longtime North Dakota Attorney General Wayne Stenehjem announces retirement ... - InForum
InForum
Wayne **Stenehjem** announced Friday, Dec. 17, that he will not seek reelection next year to the office he has held since 2001.
Flag as irrelevant

AG Stenehjem Won't Seek Reelection in 2022 | North Dakota News - USNews.com
USNews.com
BISMARCK, N.D. (AP) â€" North Dakota Attorney General Wayne **Stenehjem**, a Republican who is the longest-serving attorney general in state history, ...
Flag as irrelevant

North Dakota Attorney General Wayne Stenehjem to retire | Govt-and-politics | bismarcktribune.com
The Bismarck Tribune
North Dakota's longest-serving attorney general won't seek reelection next year.
Flag as irrelevant

Burgum releases statement on Attorney General Wayne Stenehjem not seeking re-election in 2022
North Dakota Governor's Office - ND Gov
Gov. Doug Burgum released a statement after North Dakota Attorney General Wayne **Stenehjem's** announced he will not seek re-election in 2022.
Flag as irrelevant

Attorney General Wayne Stenehjem will not seek re-election in 2022 - KFYR
KFYR
Before his time as attorney general, **Stenehjem** served in the North Dakota Legislature for 24 years, where he was chair of the Senate Judiciary ...

Body	

Record 296

Sender Name	Google Alerts
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Recipients	wstenehjem@nd.gov
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USNews.com
BISMARCK, N.D. (AP) â€" North Dakota Attorney General Wayne **Stenehjem**, a Republican who is the longest-serving attorney general in state history, ...

Flag as irrelevant

North Dakota Attorney General Wayne **Stenehjem** to retire | Govt-and-politics | bismarcktribune.com
The Bismarck Tribune
North Dakota's longest-serving attorney general won't seek reelection next year.

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Burgum releases statement on Attorney General Wayne **Stenehjem** not seeking re-election in 2022
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Gov. Doug Burgum released a statement after North Dakota Attorney General Wayne **Stenehjem's** announced he will not seek re-election in 2022.

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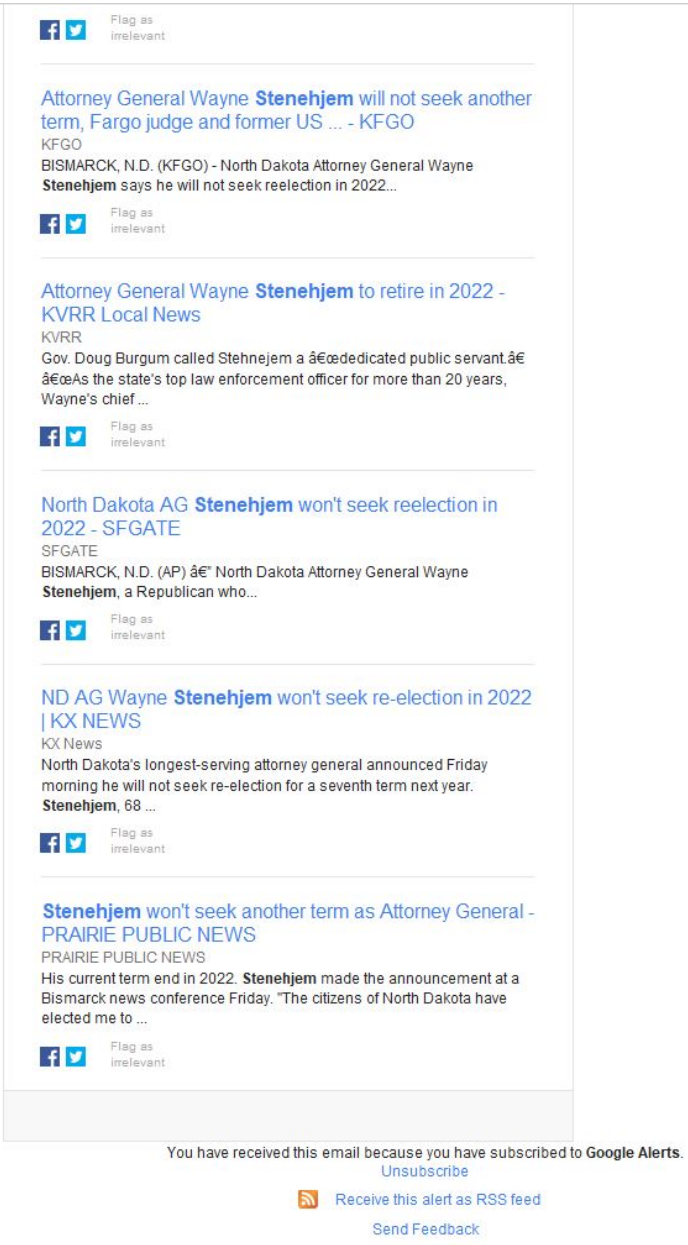
Body	

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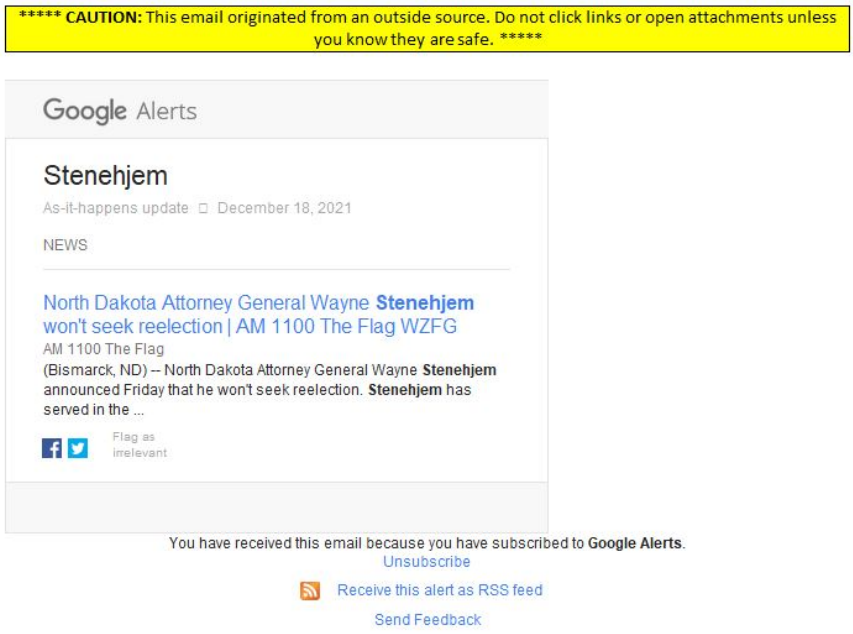
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:49:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:49:10.000 AM

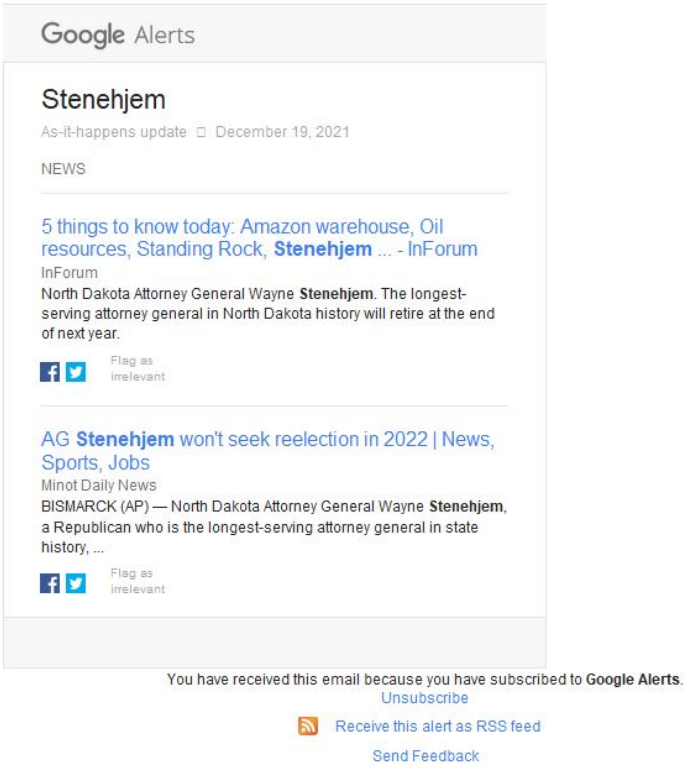
Body	

Record 298

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Subject	Google Alert - Stenehjem
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:49:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:49:10.000 AM

Record 299

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:40:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:40:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:40:22.000 PM

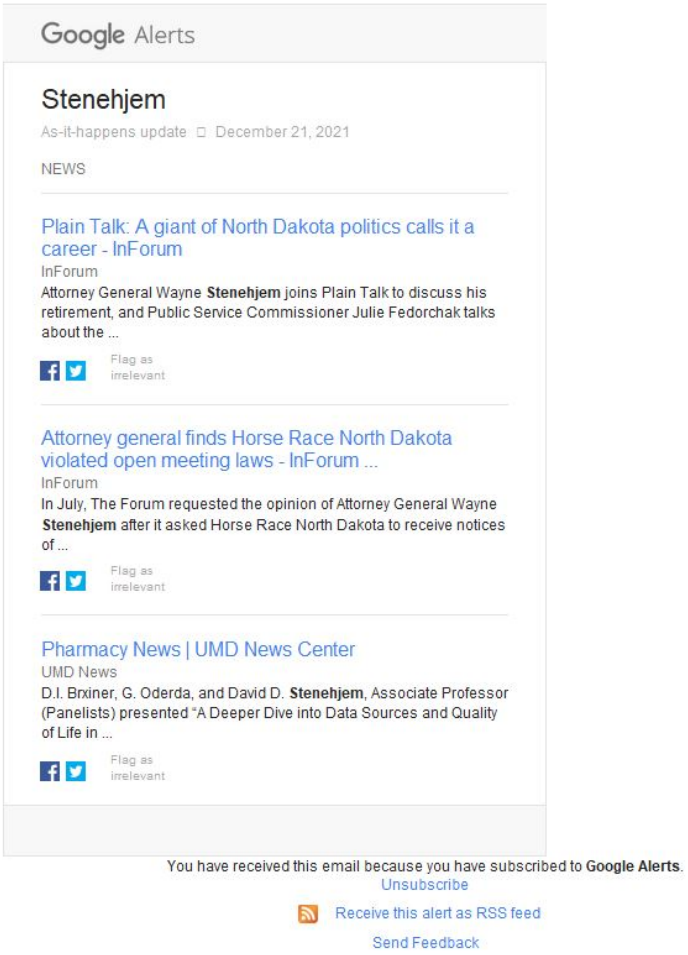
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts Stenehjem As-it-happens update □ December 19, 2021 NEWS 5 things to know today: Amazon warehouse, Oil resources, Standing Rock, **Stenehjem** ... - InForum InForum North Dakota Attorney General Wayne **Stenehjem**. The longest-serving attorney general in North Dakota history will retire at the end of next year. Flag as irrelevant AG **Stenehjem** won't seek reelection in 2022 | News, Sports, Jobs Minot Daily News BISMARCK (AP) — North Dakota Attorney General Wayne **Stenehjem**, a Republican who is the longest-serving attorney general in state history, ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

Record 300

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Subject	Google Alert - Stenehjem
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:40:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 9:40:22.000 PM

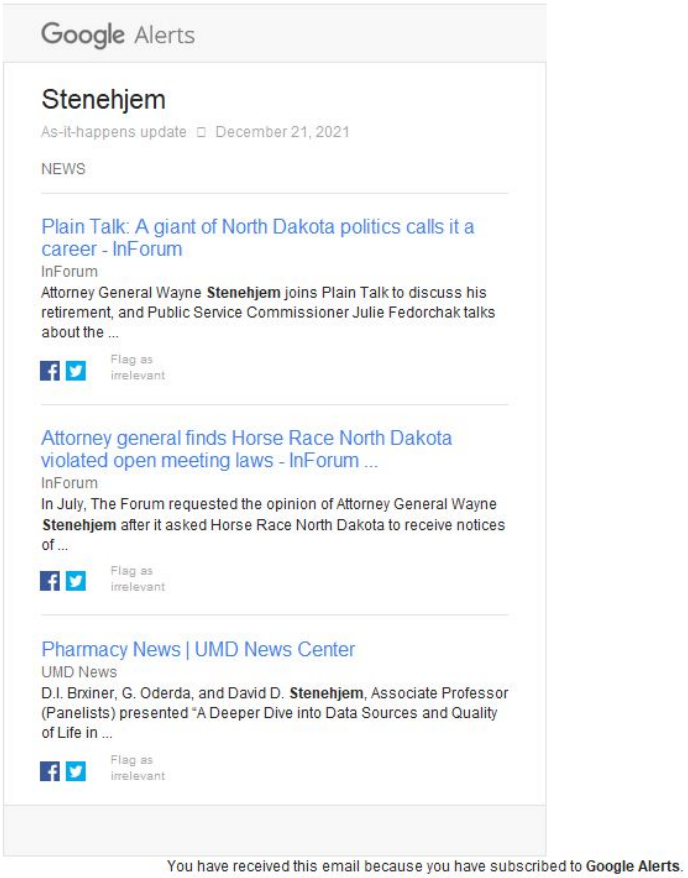
Record 301

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:13:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:13:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:13:16.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** 

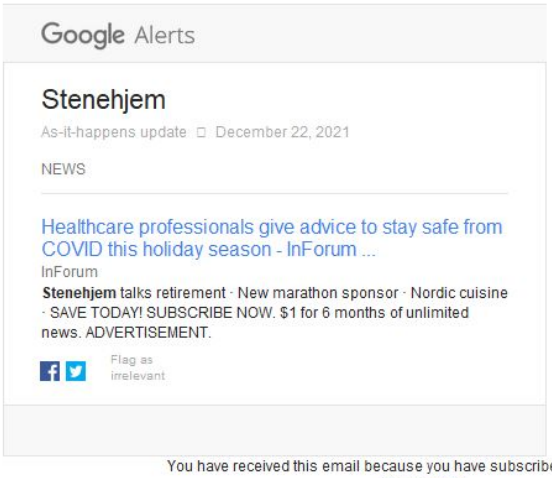
Record 302

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:13:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:13:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:13:16.000 PM

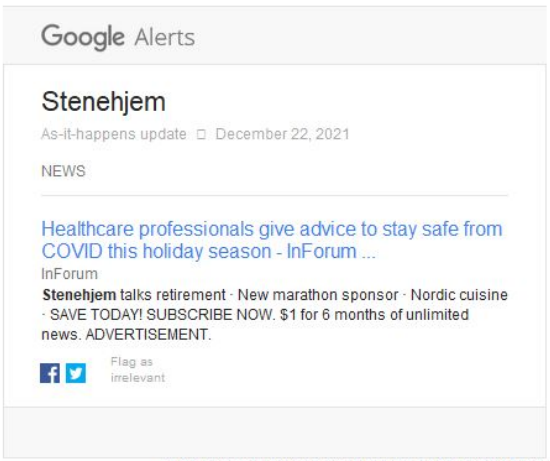
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

Record 303

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 8:40:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 8:40:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 8:40:22.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

Record 304

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 8:40:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 8:40:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 8:40:22.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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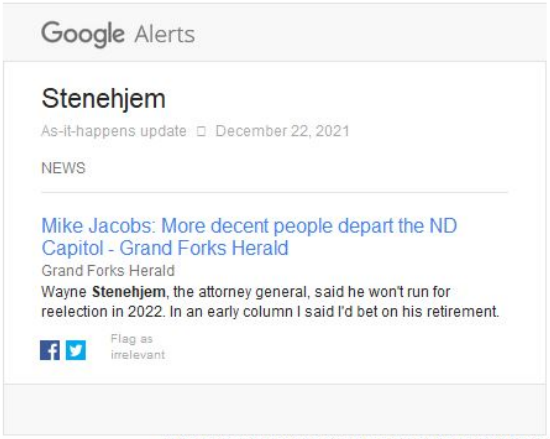
Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 3:37:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 3:37:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 3:37:04.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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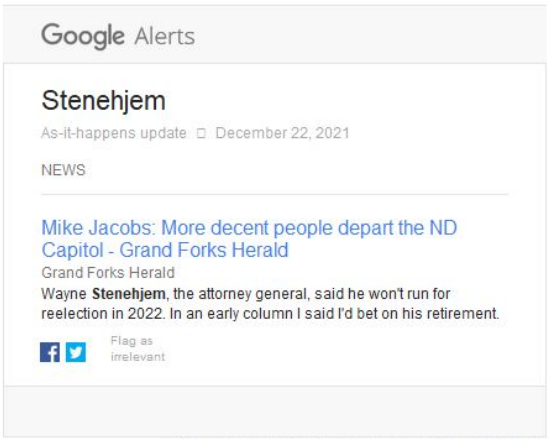
Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 3:37:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 3:37:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 3:37:04.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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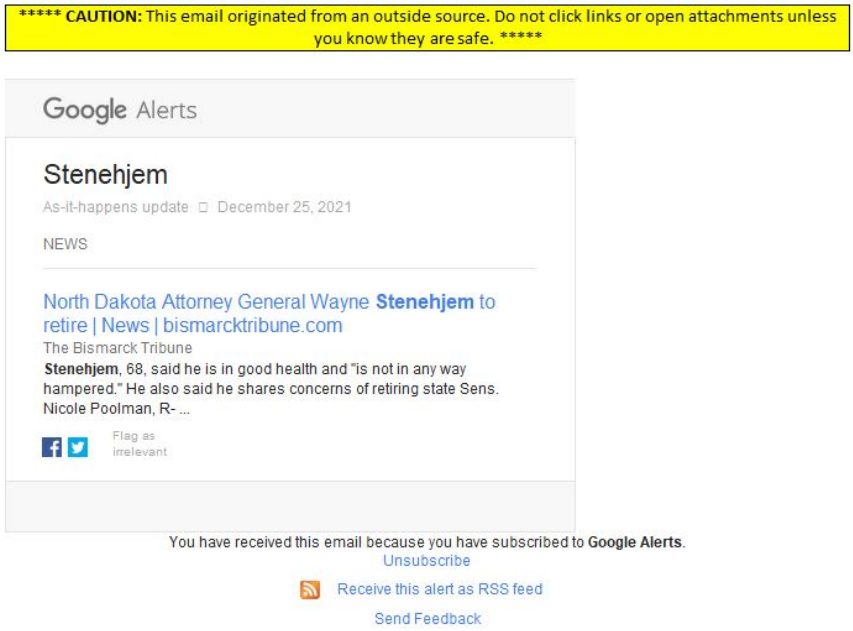
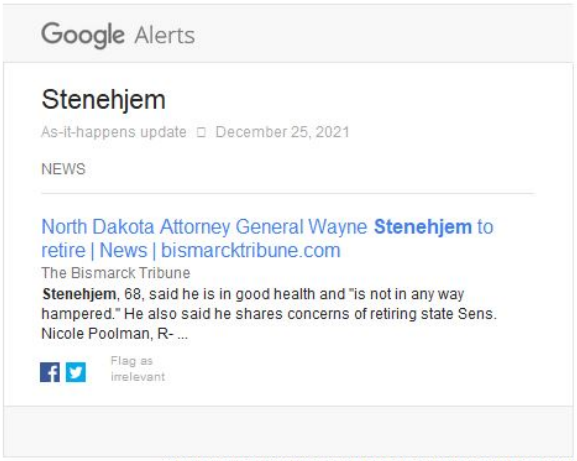
Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/25/2021 5:51:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/25/2021 5:49:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/25/2021 5:51:17.000 AM
Body	

Record 308

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/25/2021 5:51:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/25/2021 5:49:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/25/2021 5:51:17.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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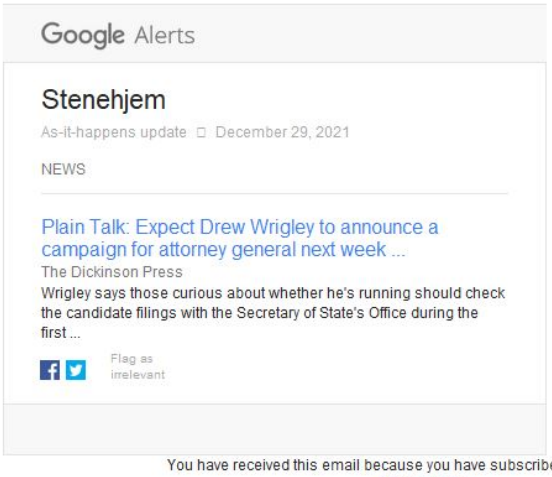
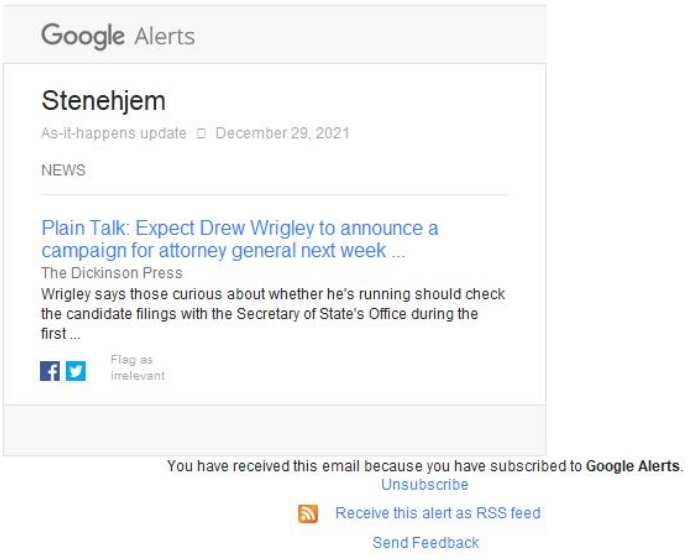
Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:10:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:10:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:10:23.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

Record 310

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:10:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:10:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:10:23.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts Stenehjem As-it-happens update · December 29, 2021 NEWS Plain Talk: Expect Drew Wrigley to announce a campaign for attorney general next week ... The Dickinson Press Wrigley says those curious about whether he's running should check the candidate filings with the Secretary of State's Office during the first ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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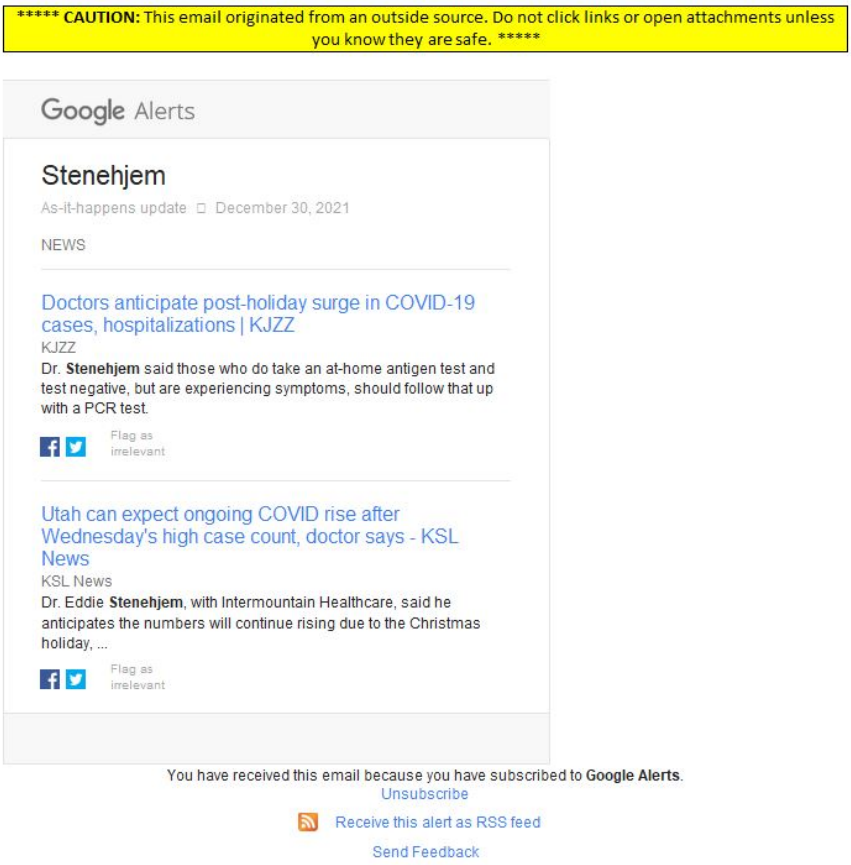
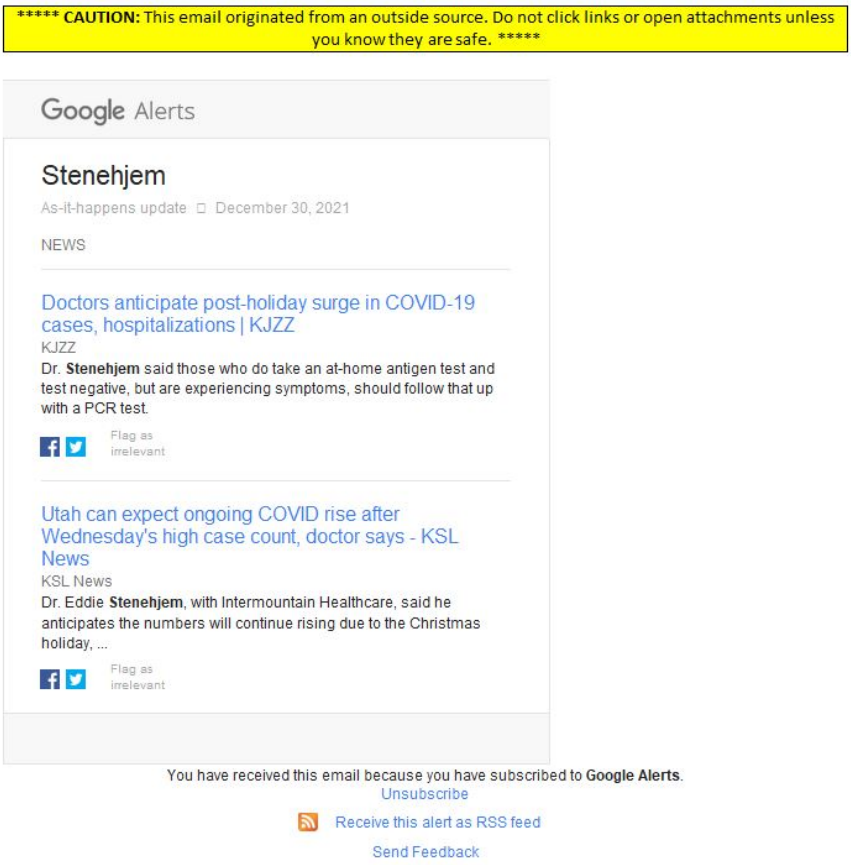
Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:10:36.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:10:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:10:36.000 PM

Body	

Record 312

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:10:36.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:10:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:10:36.000 PM

Body	

Record 313

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:10:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:10:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:10:28.000 PM

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Stenehjem

As-it-happens update â‹… December 31, 2021

NEWS

Utah doctor urges people to limit New Year's Eve celebrations as omicron spreads
The Salt Lake Tribune
The advice came as coronavirus case counts spiked in Utah this week amid the growing spread of the new omicron variant.

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Drew Wrigley announces bid for North Dakota attorney general | AP News
AP News
BISMARCK, N.D. (AP) â€" Former U.S attorney and lieutenant governor Drew Wrigley announced Thursday he will run for North Dakota attorney general.

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Wrigley announces run for North Dakota Attorney General - KFGO
KFGO
BISMARCK, N.D. (KFGO) - Former North Dakota US Attorney Drew Wrigley has decided that he will run for attorney...

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AG opinion gives clarification to North Dakota ethics panel | Govt-and-politics | bismarcktribune.com
The Bismarck Tribune
North Dakota Attorney General Wayne **Stenehjem** has concluded that a crucial section of the state constitution's ethics amendment appears ...

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Drew Wrigley to run for North Dakota attorney general | The Dickinson Press
The Dickinson Press
Former U.S. attorney, lieutenant governor first person to announce campaign for state's top law enforcement official.

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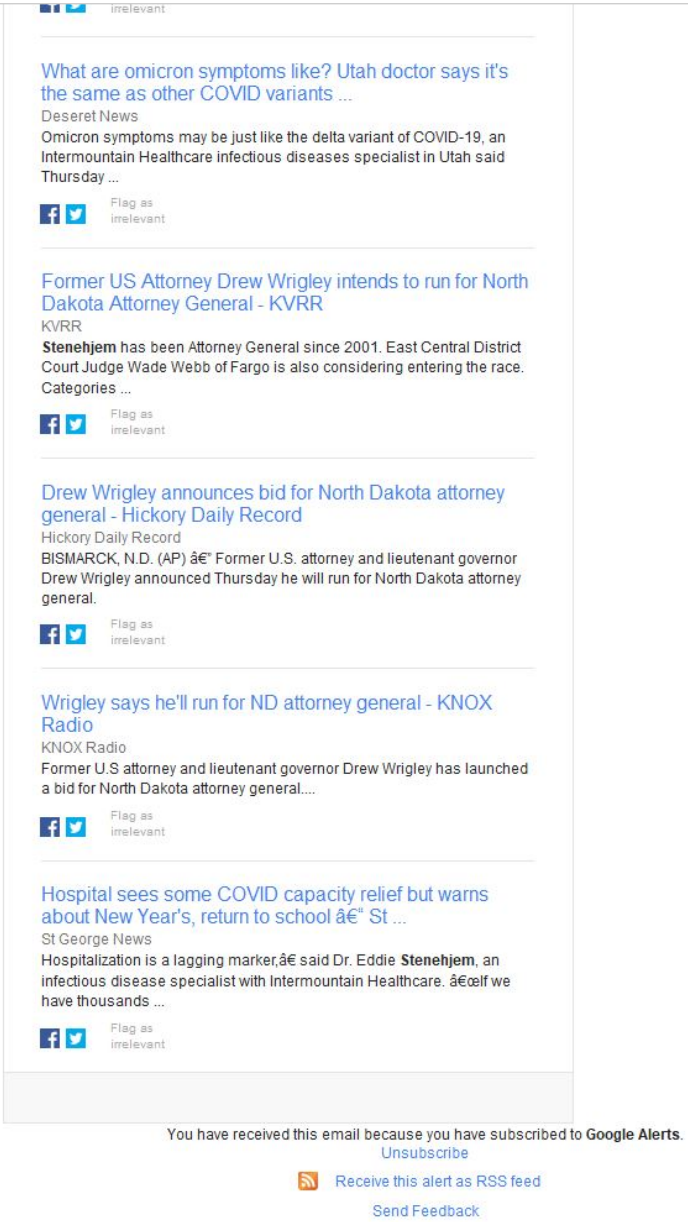
Body	

Record 314

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:10:28.000 PM
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:10:28.000 PM

Body

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Google Alerts

Stenehjem

As-it-happens update â‹… December 31, 2021

NEWS

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The Salt Lake Tribune
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AP News
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Wrigley announces run for North Dakota Attorney General - KFGO
KFGO
BISMARCK, N.D. (KFGO) - Former North Dakota US Attorney Drew Wrigley has decided that he will run for attorney...

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The Bismarck Tribune
North Dakota Attorney General Wayne **Stenehjem** has concluded that a crucial section of the state constitution's ethics amendment appears ...

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Drew Wrigley to run for North Dakota attorney general | The Dickinson Press
The Dickinson Press
Former U.S. attorney, lieutenant governor first person to announce campaign for state's top law enforcement official.

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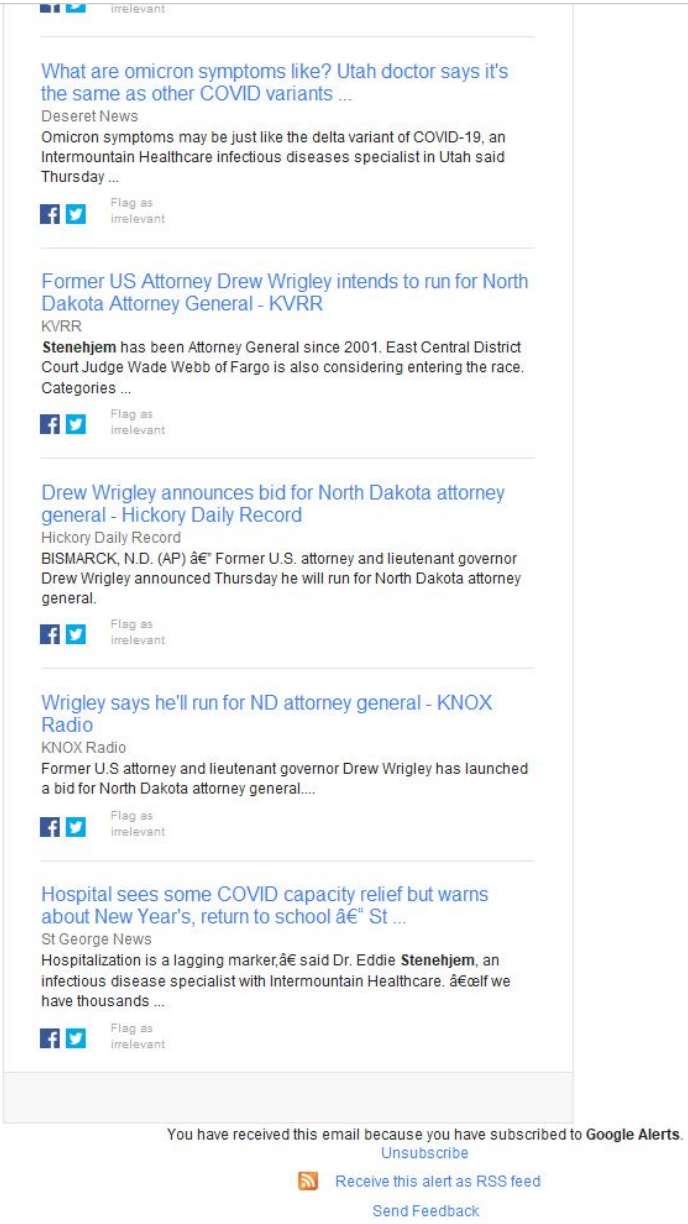
Body	

Record 315

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/31/2021 8:18:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/31/2021 8:18:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/31/2021 8:18:24.000 AM

Body	

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Stenehjem

As-it-happens update □ December 31, 2021

NEWS

Former U.S. Attorney set to run for North Dakota Attorney General - Valley News Live
Valley News Live
BISMARCK, N.D. (AP) - Former U.S. attorney and lieutenant governor Drew Wrigley has launched a bid for North Dakota attorney general.
Flag as irrelevant

As Utah confirms another 3563 COVID cases Thursday, doctor says rising numbers expected
KSL News
Microbiologist Samuel Philips sequences COVID-19 samples for variants at the Utah Public Health Laboratory in Taylorsville on Nov. 29. A Utah doctor ...
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Drew Wrigley announces bid for North Dakota attorney general - Martinsville Bulletin
Martinsville Bulletin
He was lieutenant governor from 2010 to 2016 under former GOP Gov. Jack Dalrymple. **Stenehjem**, 68, is the longest-serving attorney general in state ...
Flag as irrelevant

Drew Wrigley announces bid for North Dakota attorney general | KX NEWS
KX News
The Republican said Thursday that he aims to fill the seat held by Wayne **Stenehjem**, who will not seek reelection next year.
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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/31/2021 8:18:23.000 AM
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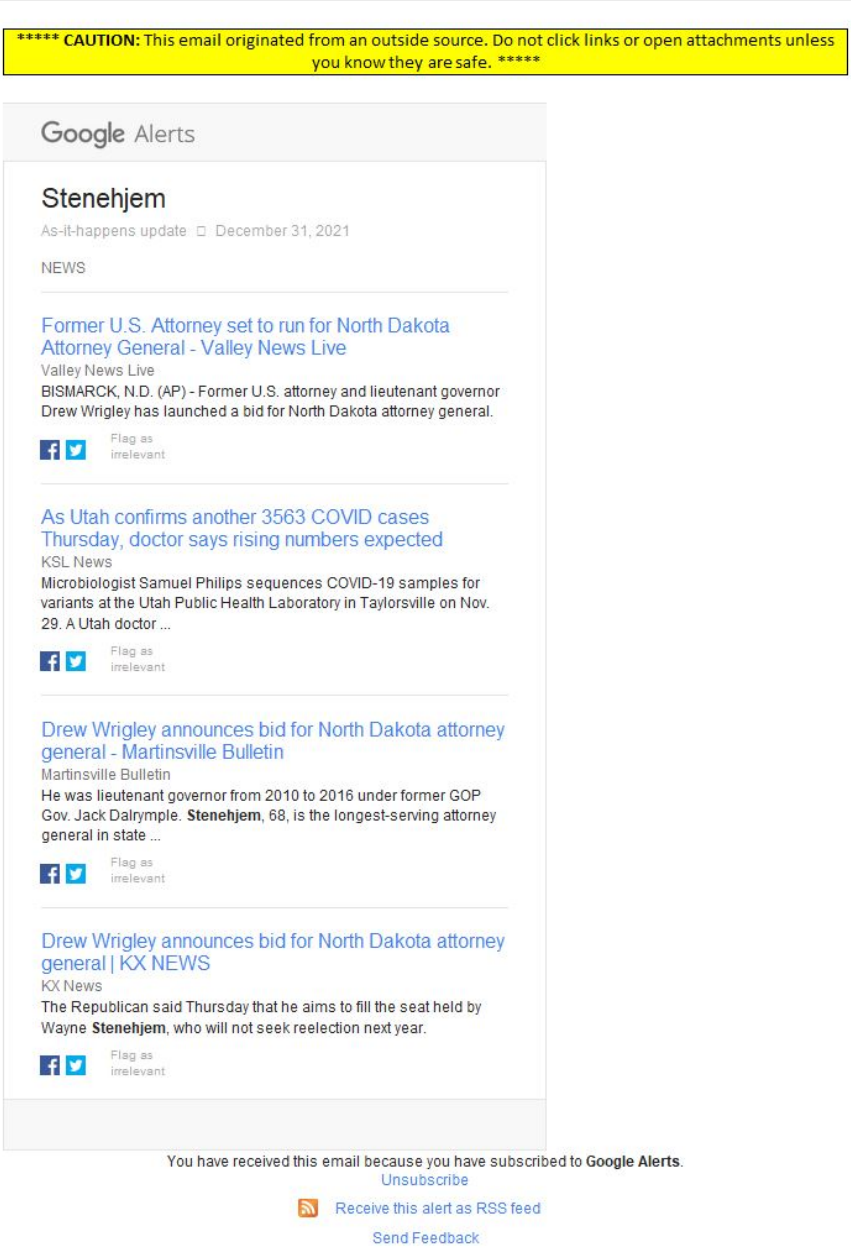
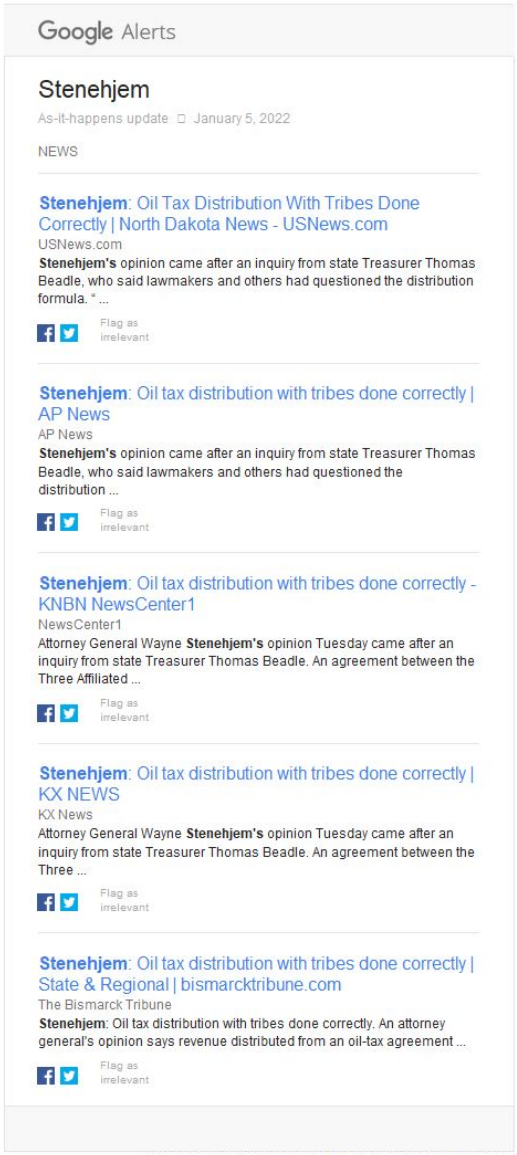
Body	

Record 317

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:10:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:10:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:10:27.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts Stenehjem As-it-happens update · January 5, 2022 NEWS **Stenehjem**: Oil Tax Distribution With Tribes Done Correctly | North Dakota News - USNews.com USNews.com **Stenehjem's** opinion came after an inquiry from state Treasurer Thomas Beadle, who said lawmakers and others had questioned the distribution formula. " ... Flag as irrelevant **Stenehjem**: Oil tax distribution with tribes done correctly | AP News AP News **Stenehjem's** opinion came after an inquiry from state Treasurer Thomas Beadle, who said lawmakers and others had questioned the distribution ... Flag as irrelevant **Stenehjem**: Oil tax distribution with tribes done correctly - KNBN NewsCenter1 NewsCenter1 Attorney General Wayne **Stenehjem's** opinion Tuesday came after an inquiry from state Treasurer Thomas Beadle. An agreement between the Three Affiliated ... Flag as irrelevant **Stenehjem**: Oil tax distribution with tribes done correctly | KX NEWS KX News Attorney General Wayne **Stenehjem's** opinion Tuesday came after an inquiry from state Treasurer Thomas Beadle. An agreement between the Three ... Flag as irrelevant **Stenehjem**: Oil tax distribution with tribes done correctly | State & Regional | bismarcktribune.com The Bismarck Tribune **Stenehjem**: Oil tax distribution with tribes done correctly. An attorney general's opinion says revenue distributed from an oil-tax agreement ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:10:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:10:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:10:27.000 PM

Body	

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Google Alerts

Stenehjem

As-it-happens update · January 5, 2022

NEWS

Stenehjem: Oil Tax Distribution With Tribes Done Correctly | North Dakota News - USNews.com
USNews.com
Stenehjem's opinion came after an inquiry from state Treasurer Thomas Beadle, who said lawmakers and others had questioned the distribution formula. " ...
Flag as irrelevant

Stenehjem: Oil tax distribution with tribes done correctly | AP News
AP News
Stenehjem's opinion came after an inquiry from state Treasurer Thomas Beadle, who said lawmakers and others had questioned the distribution ...
Flag as irrelevant

Stenehjem: Oil tax distribution with tribes done correctly - KNBN NewsCenter1
NewsCenter1
Attorney General Wayne **Stenehjem's** opinion Tuesday came after an inquiry from state Treasurer Thomas Beadle. An agreement between the Three Affiliated ...
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Stenehjem: Oil tax distribution with tribes done correctly | KX NEWS
KX News
Attorney General Wayne **Stenehjem's** opinion Tuesday came after an inquiry from state Treasurer Thomas Beadle. An agreement between the Three ...
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Stenehjem: Oil tax distribution with tribes done correctly | State & Regional | bismarcktribune.com
The Bismarck Tribune
Stenehjem: Oil tax distribution with tribes done correctly. An attorney general's opinion says revenue distributed from an oil-tax agreement ...
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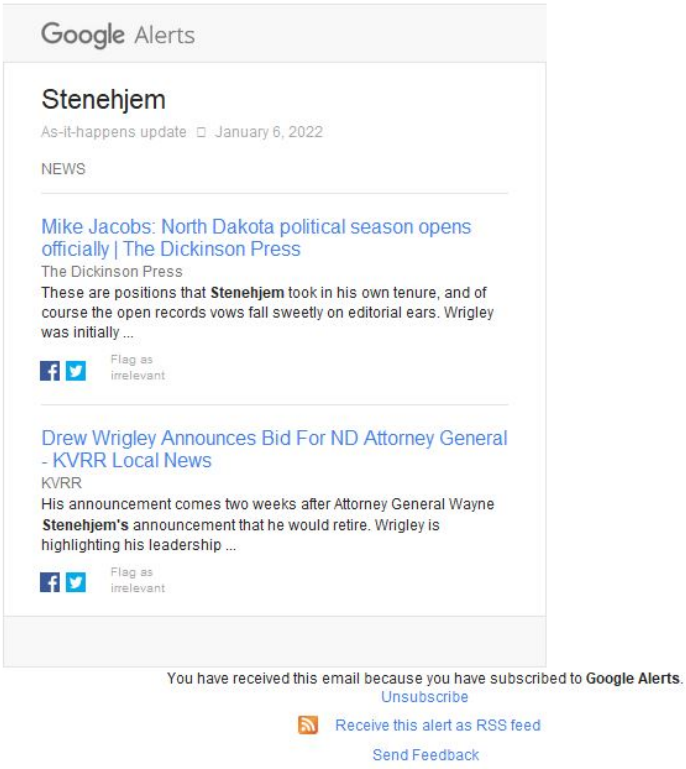
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:10:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:10:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:10:27.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:10:27.000 PM
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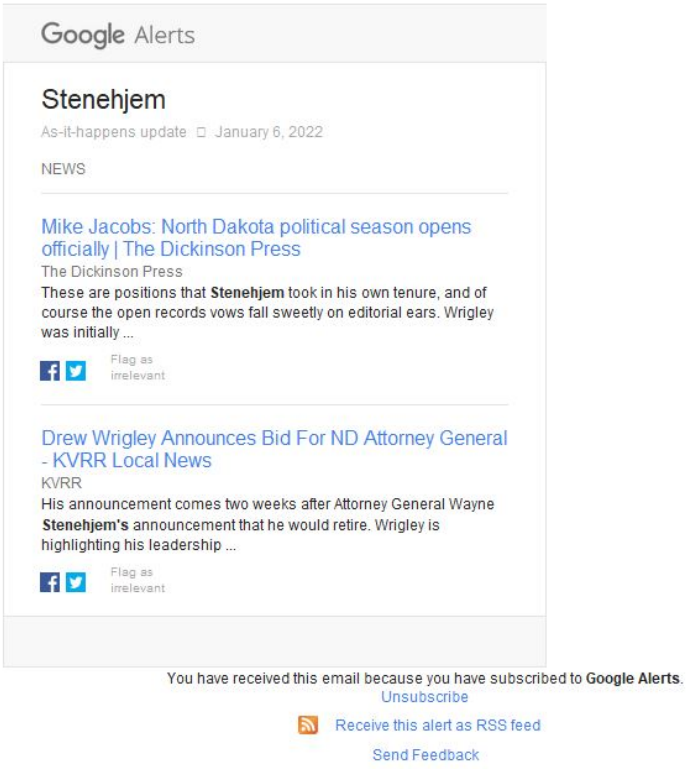
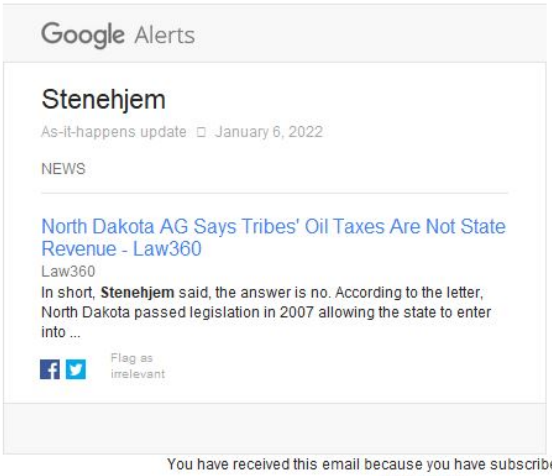
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:10:27.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

Record 321

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:12:00.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:11:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:12:00.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:12:00.000 PM
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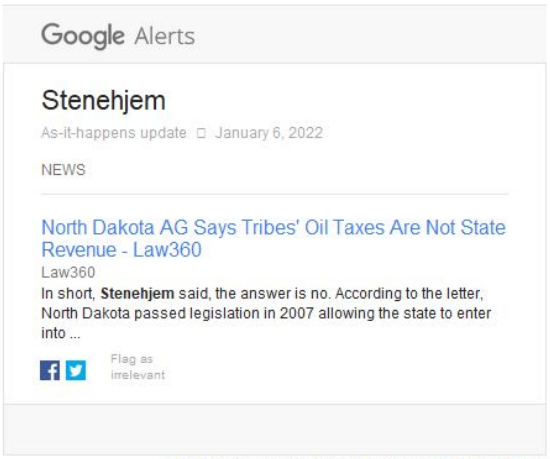
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:12:00.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:39:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:39:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:39:22.000 AM
Body	

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Stenehjem

As-it-happens update ▫ January 7, 2022

NEWS

Longest-serving North Dakota Attorney General announces retirement - Lexology

Lexology

North Dakota AG Wayne **Stenehjem** (R) announced that he will not run for reelection in 2022. AG **Stenehjem** was first elected in 2000 and won his ...

Flag as irrelevant

North Dakota AG Says Tribes' Oil Taxes Are Not State Revenue - Law360

Law360

Attorney General Wayne **Stenehjem's** nine-page opinion and analysis Tuesday came as a response to an inquiry from state Treasurer Thomas Beadle ...

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Sender Name	Google Alerts
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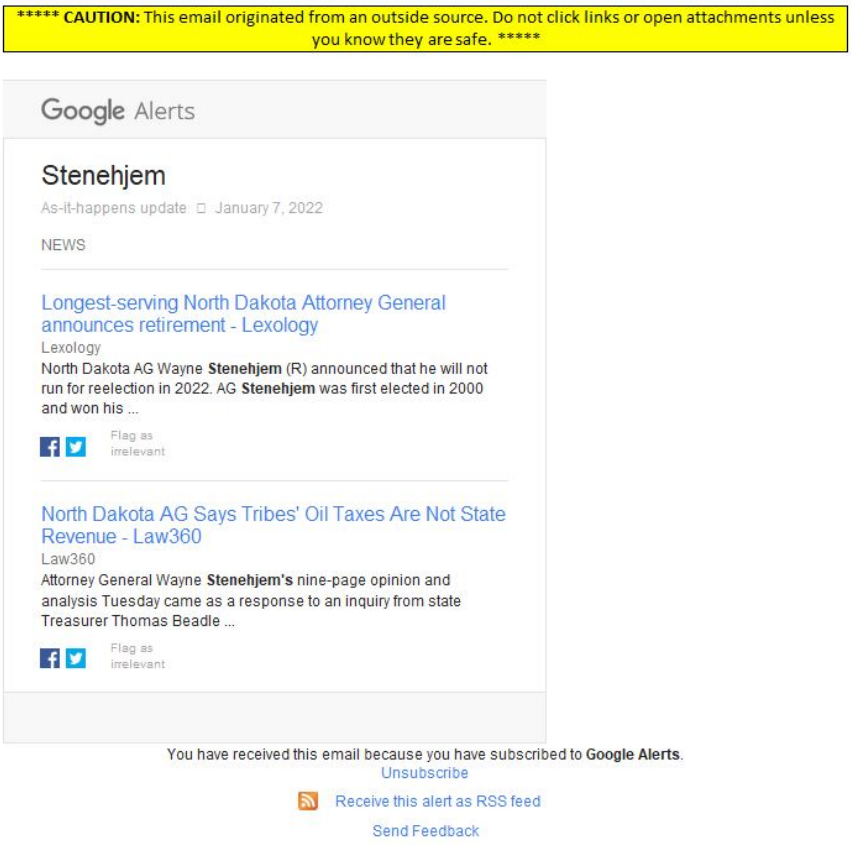
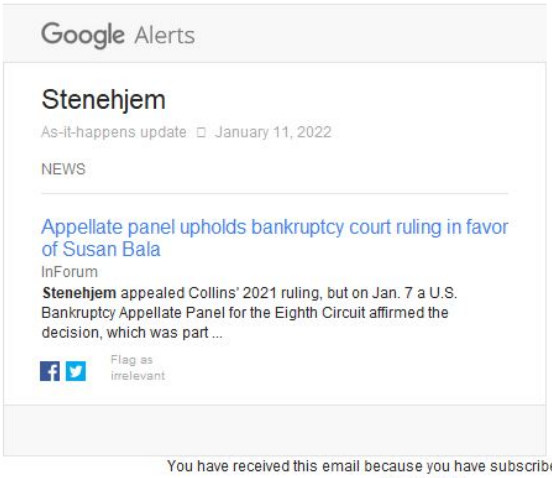
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:39:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:39:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:39:22.000 AM

Body	

Record 325

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:07:36.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:07:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:07:36.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:07:36.000 PM
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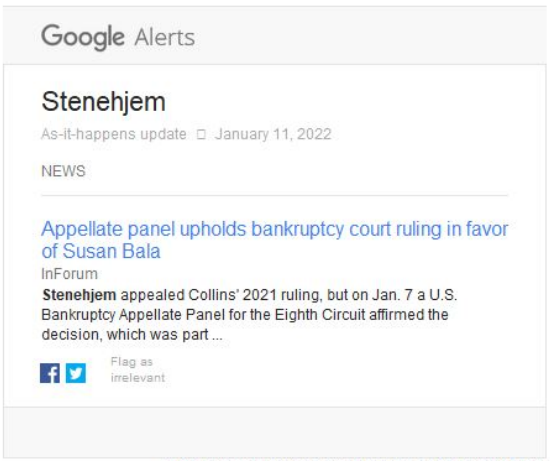
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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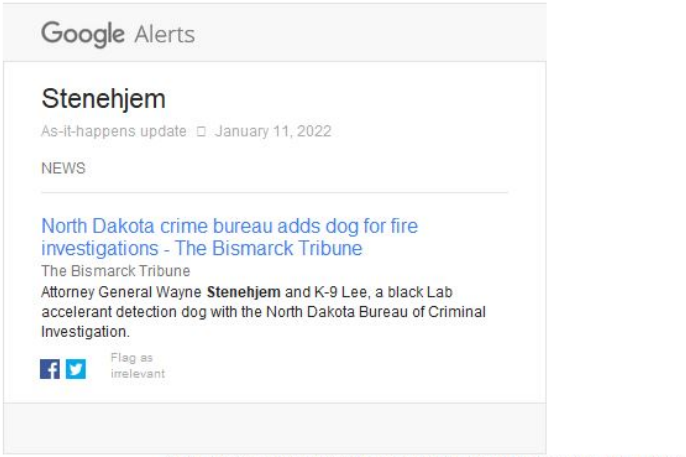
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:08:14.000 PM
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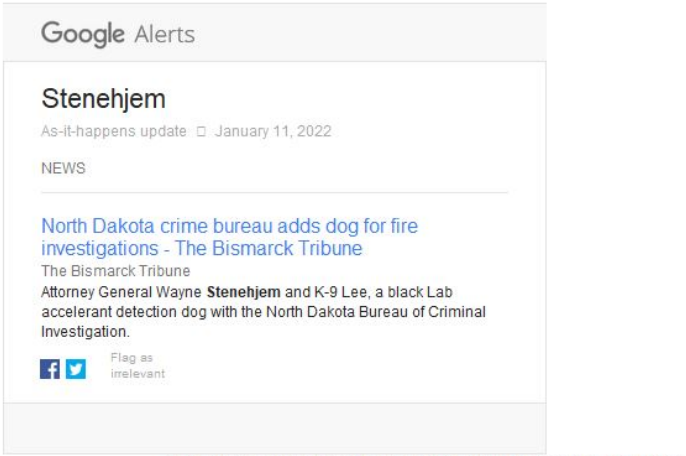
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:08:15.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:13:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:13:17.000 AM
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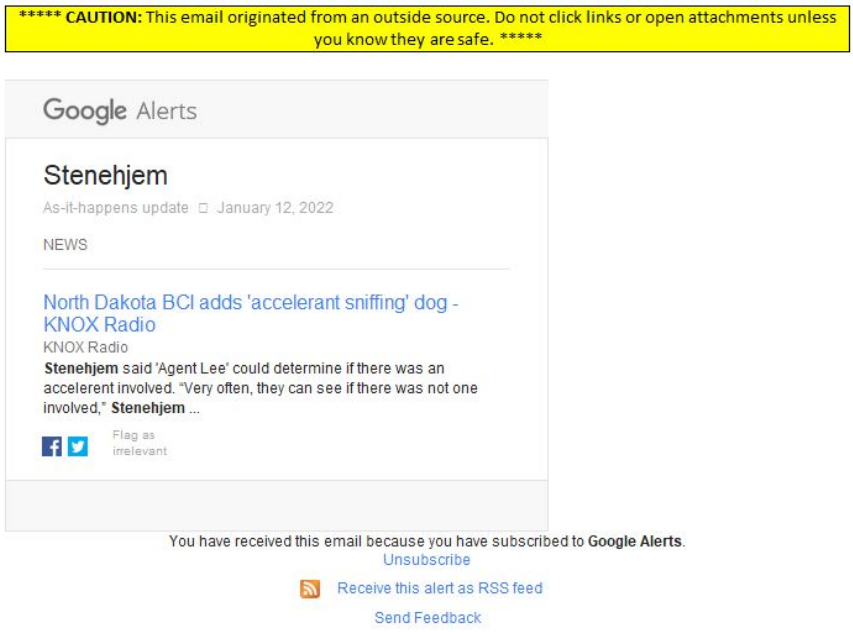
Body	

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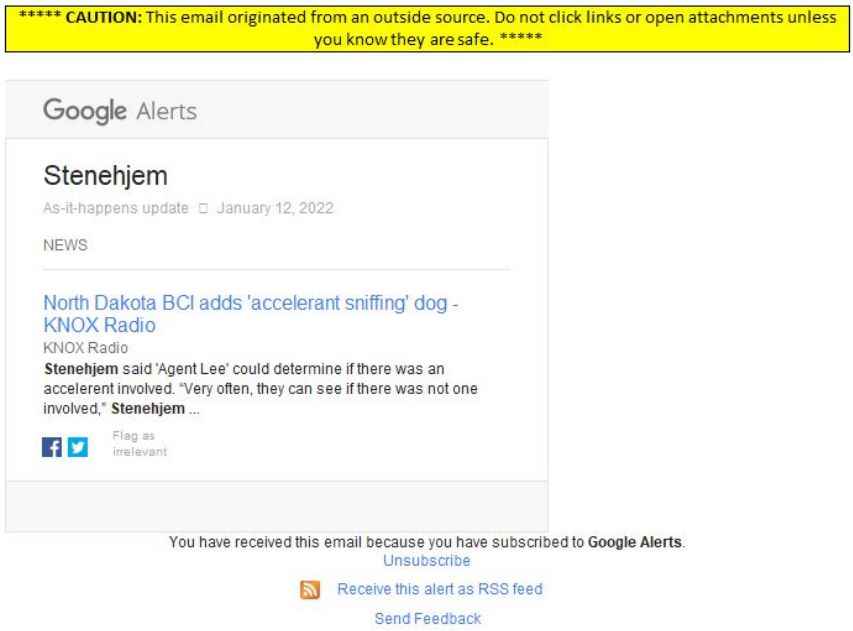
Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:13:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:13:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:13:21.000 AM

Body	

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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 12:11:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 12:11:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 12:11:22.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Google Alerts **Stenehjem** As-it-happens update · January 13, 2022 NEWS North Dakota Investigator Forced to Return Reporter's Phone After Unlawful Confiscation Newsweek **Stenehjem** said that Remus, an agent for the North Dakota Bureau of Criminal Investigation (BCI), violated state law by taking the phone of Tom ... Flag as irrelevant North Dakota police confiscate then return reporter's phone | KX NEWS KX News FARGO, N.D. (AP) — North Dakota Attorney General Wayne **Stenehjem** says a police investigator violated state law by confiscating a radio ... Flag as irrelevant After wrongful seizure of a reporter's phone in North Dakota, an investigator was forced to ... Ceng News The state's Attorney General Wayne **Stenehjem** said Wednesday that a North Dakota police investigator, Charissa Remus, was forced to return a ... Flag as irrelevant North Dakota investigator forced to return reporter's phone after illegal confiscation - The ... The Bharat Express News **Stenehjem** said Remus, an agent with the North Dakota Bureau of Criminal Investigation (BCI), violated state law by taking the phone of Tom Simon, ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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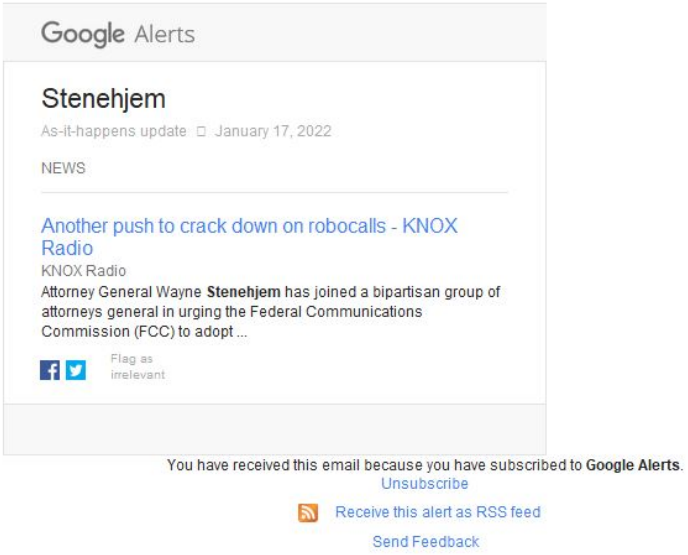
Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Subject	Google Alert - Stenehjem
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 12:11:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 12:11:22.000 AM

Record 333

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 8:26:06.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 8:25:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 8:26:06.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts Stenehjem As-it-happens update ▫ January 17, 2022 NEWS Another push to crack down on robocalls - KNOX Radio KNOX Radio Attorney General Wayne **Stenehjem** has joined a bipartisan group of attorneys general in urging the Federal Communications Commission (FCC) to adopt ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 8:26:06.000 AM
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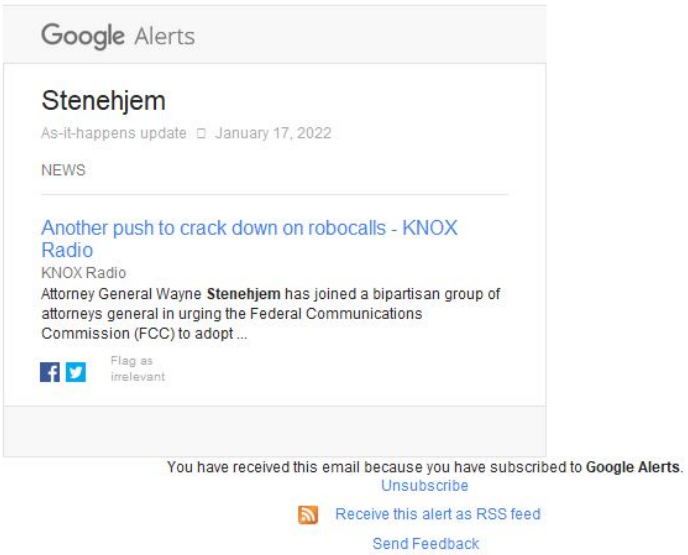
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts Stenehjem As-it-happens update ▫ January 17, 2022 NEWS Another push to crack down on robocalls - KNOX Radio KNOX Radio Attorney General Wayne **Stenehjem** has joined a bipartisan group of attorneys general in urging the Federal Communications Commission (FCC) to adopt ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:25:39.000 AM
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:25:39.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Google Alerts **Stenehjem** As-it-happens update · January 18, 2022 NEWS **Stenehjem** works to stop international scam calls | News, Sports, Jobs Minot Daily News Last week, Attorney General Wayne **Stenehjem** joined a bipartisan group of attorneys general in urging the Federal Communications Commission to ... Flag as irrelevant **Stenehjem** works to stop international fraudulent calls | News, Sports, Jobs - TittlePress TittlePress Last week, Attorney General Wayne **Stenehjem** joined a bipartisan group of attorneys general in urging the Federal Communications Commission to take ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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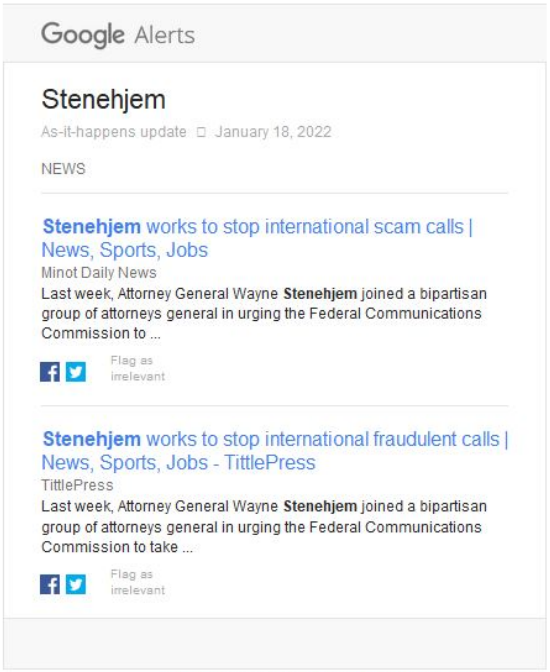
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts Stenehjem As-it-happens update · January 18, 2022 NEWS **Stenehjem** works to stop international scam calls	News, Sports, Jobs Minot Daily News Last week, Attorney General Wayne **Stenehjem** joined a bipartisan group of attorneys general in urging the Federal Communications Commission to ... Flag as irrelevant **Stenehjem** works to stop international fraudulent calls	News, Sports, Jobs - TittlePress TittlePress Last week, Attorney General Wayne **Stenehjem** joined a bipartisan group of attorneys general in urging the Federal Communications Commission to take ... Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
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Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 4:50:36.000 PM
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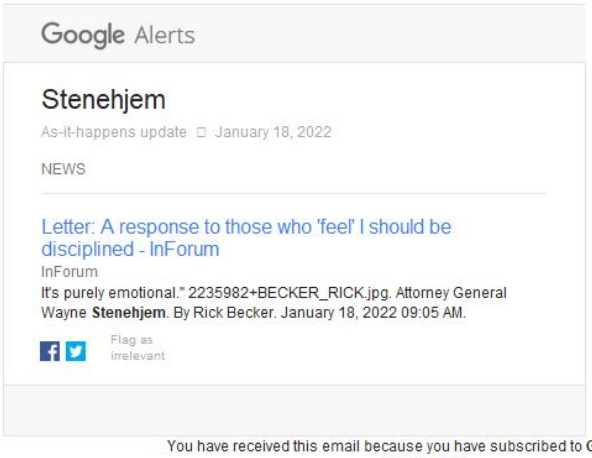
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Google Alerts Stenehjem As-it-happens update · January 18, 2022 NEWS Letter: A response to those who 'feel' I should be disciplined - InForum InForum It's purely emotional." 2235982+BECKER_RICK.jpg. Attorney General Wayne **Stenehjem**. By Rick Becker. January 18, 2022 09:05 AM. Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

Record 338

Sender Name	Google Alerts
Sender Email	googlealerts-noreply@google.com
Recipients	wstenehjem@nd.gov
Subject	Google Alert - Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 4:50:36.000 PM
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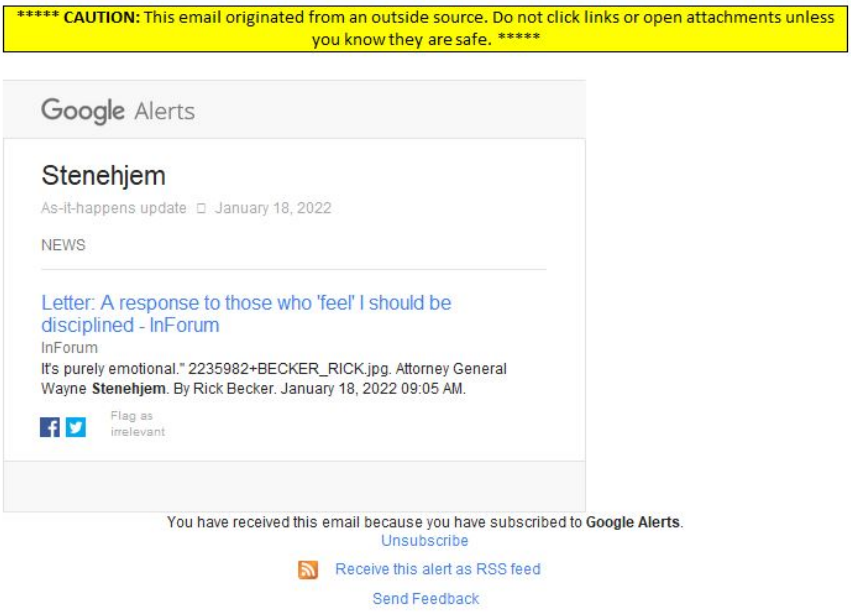
Body	

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Sender Name	Google Alerts
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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:11:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:10:55.000 AM
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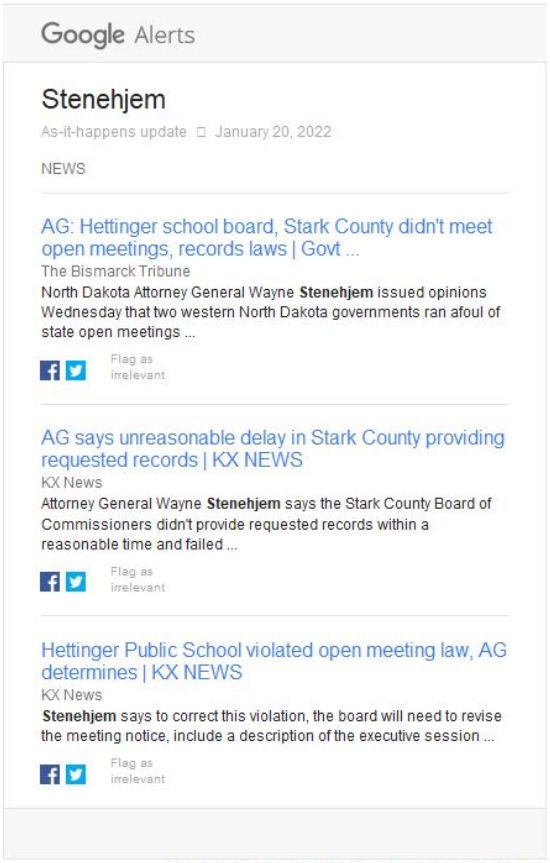
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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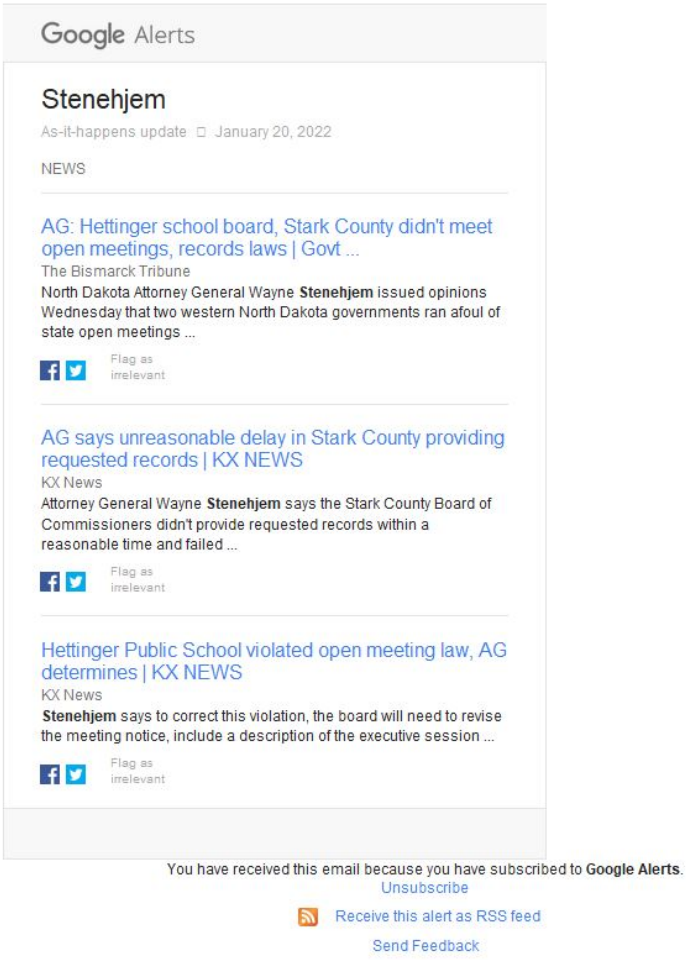
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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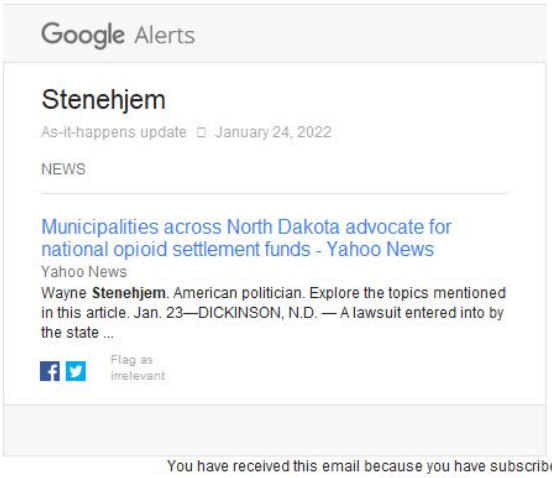
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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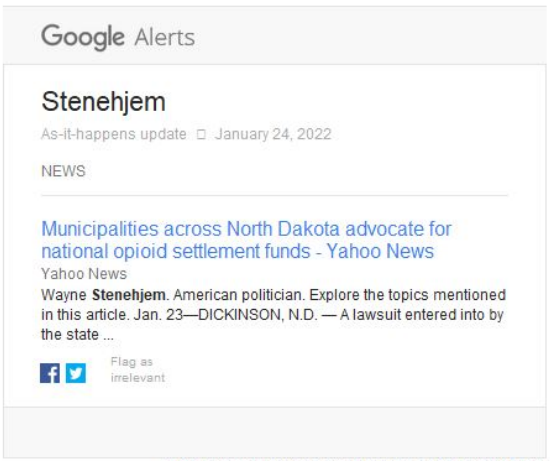
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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North Dakota attorney general hospitalized after being found unconscious at home ... - InForum
InForum
Stenehjem, a Republican and the longest-serving attorney general in North Dakota history, announced last month that he would retire at the end of this ...
Flag as irrelevant

ND Attorney General Stenehjem responsive after being taken to hospital - KFYR
KFYR
Stenehjem is the longest-serving Attorney General in state history. He announced his retirement in December. Copyright 2022 KFYR. All rights reserved.
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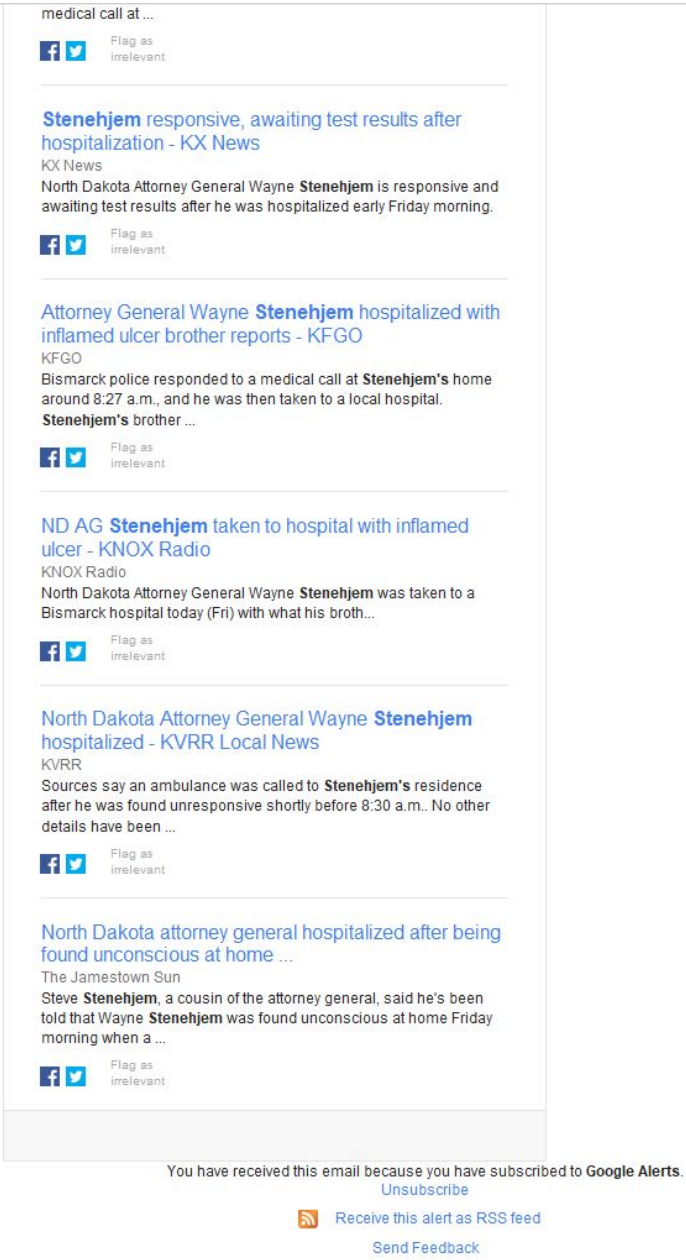
North Dakota Attorney General Wayne Stenehjem Hospitalized - USNews.com
USNews.com
Stenehjem first took office in 2001 and has held the office for six terms. His career in North Dakota politics has spanned over four decades, starting ...
Flag as irrelevant

North Dakota Attorney General Wayne Stenehjem hospitalized - The Bismarck Tribune
The Bismarck Tribune
Allan **Stenehjem** confirmed his brother's hospitalization to the Tribune. Wayne **Stenehjem** was found at his home in Bismarck on Friday morning. "They ...
Flag as irrelevant

ND Attorney General Wayne Stenehjem admitted to the hospital | KX NEWS
KX News
North Dakota Attorney General Wayne **Stenehjem** was admitted to the hospital early Friday morning. Bismarck police responded to a

Body	

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North Dakota's longest-serving attorney general dies at 68 - CNN
CNN
According to North Dakota Gov. Doug Burgum's office, **Stenehjem** was the longest-serving attorney general in the state's history, having held the ...

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Attorney General Wayne **Stenehjem** Dead at 68 | News Dakota
NewsDakota.com
(NewsDakota.com) â€" It is with the utmost sadness that the Office of Attorney General announces that Attorney General Wayne **Stenehjem** passed away ...

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North Dakota Attorney General Wayne **Stenehjem** dies at 68 - The Bismarck Tribune
The Bismarck Tribune
North Dakota Attorney General Wayne **Stenehjem**, who spent more than 40 years in elected office, died unexpectedly Friday, just a month after ...

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North Dakota Attorney General Wayne **Stenehjem** has died - KX News
KX News
Wayne **Stenehjem**, North Dakota's longest-serving attorney general, died Friday morning in Bismarck. He was 68.

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North Dakota Attorney General Wayne **Stenehjem** Dies 'Unexpectedly' - The Daily Beast
The Daily Beast
Wayne **Stenehjem**'s cause of death was not disclosed. He was 68. **Stenehjem** had been hospitalized that morning with what his brother believed was an ...

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Body	Burgum releases statement on passing of Attorney General Wayne **Stenehjem**, orders flags ... North Dakota Governor's Office - ND.gov **Stenehjem** was the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th ... Flag as irrelevant BREAKING NEWS: ND Attorney General Wayne **Stenehjem** dead at 68 - KFGO KFGO BISMARCK, N.D. (KFGO) â€" North Dakota Attorney General Wayne **Stenehjem** is dead. The Republican, the longest-serving attorney general in state ... Flag as irrelevant Longtime North Dakota attorney general dies suddenly | TheHill The Hill Longtime North Dakota Attorney General Wayne **Stenehjem** (R) died suddenly at the age of 68, his spokeswoman Liz Brocker said in a statement on ... Flag as irrelevant North Dakota Attorney General Wayne **Stenehjem** dead at 68 - New York Post New York Post North Dakota Attorney General Wayne **Stenehjem** has died at age 68, his office announced Friday, shortly after he was hospitalized for what his ... Flag as irrelevant ND Attorney General Wayne **Stenehjem** dies - KVRR Local News KVRR **Stenehjem** also served 20 years in the North Dakota legislature. He ran for the Republican nomination for governor in 2016 losing to Doug Burgum. Flag as irrelevant You have received this email because you have subscribed to **Google Alerts**. Unsubscribe Receive this alert as RSS feed Send Feedback

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Subject	Dr. David Martin Present COVID Crimes Against Humanity Indictment Brief
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 12:00:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 11:59:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 12:00:50.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** State Attorney Generals and State Solicitor Generals, It is with a heavy heart that I am compelled to reach out to each and every one of you. Our nation is in the throws of a Global PLANdemic which Dr. David Martin lays out in this 5 page document. He lists 8 counts of criminal conspiracies against we the people of the United States. If you happen to be an Attorney General with a Conscience and you actually take your Oath of office seriously to protect the Constitution Against ALL Enemies Foreign and DOMESTIC then you must read his brief against Mr. Alex Azar, Dr. Anthony Fauci, Dr. Peter Daszak, Dr. Ralph Baric, FDA, CDC, NIAID, Moderna and Pfizer. We are witnessing a Global Genocide unfold right before our eyes. The COVID is a bioweapon and the bioweapon is the injection and now they are going after all the children. The kids that have taken this injection are having heart issues, heart attacks, flat out dying days or weeks after getting injected or having serious life altering adverse reactions that NEVER had to happen. Before the injection they were normal healthy, active children but not so afterwards. Dr. Sanja Gupta caught on live TV coercing young children to get the jab using Big Bird. Coercing is against the Nuremberg Code. All masks, testing and injecting is against the Nuremberg Code because it's all experimental. Why aren't people being held accountable? https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopenvaers.com%2F&data=04 The government data system VAERS has reported over 20,000 people who have died and over 1 million adverse reactions and only 1%-10% actually gets reported to that system so those numbers are way higher. https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fbrandnewtube.com%2Fwatch%2Ff hearings-ron-johnson-039-s-expert-panel-on-covid-vaccine-injuries- RJogrA87bWROhRG.html%3Fland%3Dtype&data=04%7C01%7CWstenehjem%40nd.gov%7C404458 Senator Ron Johnson held a panel where he spoke with doctors, researchers and people who have been forever harmed and debilitated or know of people who died after getting the injections. So far, nobody has done anything to stop this genocide. The healthiest young athletes are dropping dead all over the world, especially soccer players, but also football players. Others like the man who could hold his breath for 10 minutes underwater their careers have ended. There are videos of news reporters literally dropping dead live while airing the news from other countries. All these people dying, all took the bioweapon injections. Our government has been weaponized against We The People and WE KNOW IT. Out of 50 states there has to be some Attorney Generals out there that will do what needs to be done to put a stop to this madness. Dr. Mike Yeadon worked for Pfizer for 30 years and he has confirmed it is 100% genocide. Dr. Robert Malone, inventor of the mRNA technology has also stated it is genocide. World renowned cardiologist doctor Peter McCullough has been sounding the alarm as well. America's Frontline Doctors have been on the cutting edge of all this since the beginning, yet everyone ignores them and only the propaganda gets pushed out to the public. Quoted from: https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.citizensjournal.us%2Fholocaust survivor-warns-covid-19-measures-similar-to-nazi-germanys-subjugation-

Body	policies%2F&data=04%7C01%7CWstenehjem%40nd.gov%7C404458244c2643f0168e08d9d33543c5' Vera Sharav, is a Romanian-born Holocaust survivor and she has warned that the COVID-19 measures are similar to Nazi Germany's Subjugation Policies. She see's a lot of parallels between the narrative being used to justify COVID-19 measures such as lockdowns and the narrative employed by the Nazis in Germany to justify the subjugation of other people. She also stated the similarities between how many physicians and other healthcare workers today and in Nazi Germany became instrumental in harming a lot of people. Specifically, Sharav pointed to how doctors during the lead-up to the Nazi takeover of Germany were used to justify eugenics using the Darwinian idea of "survival of the fittest." She went on to state "What happens with a public health policy is that public health officials decide who shall live and who shall die." She explained that this kind of mentality - that the government should get to decide who lives and dies - eventually led to the Holocaust. She goes on to state it is "nonsense" for these doctors to suggest that the right thing to do is sacrifice the rights of individuals in pursuit of a so-called greater good. She mentioned this in reference to the mainstream acceptance of lockdowns. "As public officials, they talk about the greater good. Who has the authority to decide what is the greater good? Said Sharav. "If the individuals are oppressed or relegated to third-class citizens...what kind of society is it?" Governments all over the world have used the pandemic and the fear of getting infected as a major weapon. She argued that this has prevented people from thinking critically. Instead, people are taught to distrust other people and to isolate themselves from their communities. Instead of thinking critically, people are being taught to blindly trust public health officials and so-called experts. "Hitler then, as rulers now, deferred to the health officials said Sharav. "We are constantly being told, "We are following the science. She warned that this will eventually lead to the "complete overthrow of human civilization". Think about that story for a moment. This is from a woman who actually survived the Holocaust, She knows what she is talking about because she lived through it and survived it and she is now telling us it is happening again all over the world and what are our US authorities doing, in our nation? NOTHING except allowing it to happen. I ask each and everyone of you which side of history do you wish to fall upon? You only have two choices. You either act to stop this and fall on the correct side of history or you do nothing and fall on the wrong side of history. History always comes to pass and history will tell the story of who did what and why. You all have a chance to band together and go down in history as the Attorney Generals who stopped this genocide. This PLANdemic will dwarf the WWII holocaust by the time it's all said and done. The time to act is NOW. Dr. David Martin has also followed all the US Patents and he can show you all how it was truly planned out years ago. In the end, we must all account for our actions in front of The God of Abraham, Isaac and Jacob whether you believe in God or not. I hope and pray that you all are up to the task at hand and for those of you that choose to stand against this evil The Lord will protect and guide you. Many times, George Washington stated that he should have died but he knew he was protected by Providence which means divine guidance or care. God Bless each and everyone of you. I pray you all do the right thing. Michelle Austin
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 12:00:50.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** State Attorney Generals and State Solicitor Generals, It is with a heavy heart that I am compelled to reach out to each and every one of you. Our nation is in the throws of a Global PLANdemic which Dr. David Martin lays out in this 5 page document. He lists 8 counts of criminal conspiracies against we the people of the United States. If you happen to be an Attorney General with a Conscience and you actually take your Oath of office seriously to protect the Constitution Against ALL Enemies Foreign and DOMESTIC then you must read his brief against Mr. Alex Azar, Dr. Anthony Fauci, Dr. Peter Daszak, Dr. Ralph Baric, FDA, CDC, NIAID, Moderna and Pfizer. We are witnessing a Global Genocide unfold right before our eyes. The COVID is a bioweapon and the bioweapon is the injection and now they are going after all the children. The kids that have taken this injection are having heart issues, heart attacks, flat out dying days or weeks after getting injected or having serious life altering adverse reactions that NEVER had to happen. Before the injection they were normal healthy, active children but not so afterwards. Dr. Sanja Gupta caught on live TV coercing young children to get the jab using Big Bird. Coercing is against the Nuremberg Code. All masks, testing and injecting is against the Nuremberg Code because it's all experimental. Why aren't people being held accountable? https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopenvaers.com%2F&data=04 The government data system VAERS has reported over 20,000 people who have died and over 1 million adverse reactions and only 1%-10% actually gets reported to that system so those numbers are way higher. https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fbrandnewtube.com%2Fwatch%2Ff hearings-ron-johnson-039-s-expert-panel-on-covid-vaccine-injuries- RJogrA87bWROhRG.html%3Fland%3Dtype&data=04%7C01%7CWstenehjem%40nd.gov%7C404458 Senator Ron Johnson held a panel where he spoke with doctors, researchers and people who have been forever harmed and debilitated or know of people who died after getting the injections. So far, nobody has done anything to stop this genocide. The healthiest young athletes are dropping dead all over the world, especially soccer players, but also football players. Others like the man who could hold his breath for 10 minutes underwater their careers have ended. There are videos of news reporters literally dropping dead live while airing the news from other countries. All these people dying, all took the bioweapon injections. Our government has been weaponized against We The People and WE KNOW IT. Out of 50 states there has to be some Attorney Generals out there that will do what needs to be done to put a stop to this madness. Dr. Mike Yeadon worked for Pfizer for 30 years and he has confirmed it is 100% genocide. Dr. Robert Malone, inventor of the mRNA technology has also stated it is genocide. World renowned cardiologist doctor Peter McCullough has been sounding the alarm as well. America's Frontline Doctors have been on the cutting edge of all this since the beginning, yet everyone ignores them and only the propaganda gets pushed out to the public. Quoted from: https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.citizensjournal.us%2Fholocaust survivor-warns-covid-19-measures-similar-to-nazi-germanys-subjugation-

Body	policies%2F&data=04%7C01%7CWstenehjem%40nd.gov%7C404458244c2643f0168e08d9d33543c5' Vera Sharav, is a Romanian-born Holocaust survivor and she has warned that the COVID-19 measures are similar to Nazi Germany's Subjugation Policies. She see's a lot of parallels between the narrative being used to justify COVID-19 measures such as lockdowns and the narrative employed by the Nazis in Germany to justify the subjugation of other people. She also stated the similarities between how many physicians and other healthcare workers today and in Nazi Germany became instrumental in harming a lot of people. Specifically, Sharav pointed to how doctors during the lead-up to the Nazi takeover of Germany were used to justify eugenics using the Darwinian idea of "survival of the fittest." She went on to state "What happens with a public health policy is that public health officials decide who shall live and who shall die." She explained that this kind of mentality - that the government should get to decide who lives and dies - eventually led to the Holocaust. She goes on to state it is "nonsense" for these doctors to suggest that the right thing to do is sacrifice the rights of individuals in pursuit of a so-called greater good. She mentioned this in reference to the mainstream acceptance of lockdowns. "As public officials, they talk about the greater good. Who has the authority to decide what is the greater good? Said Sharav. "If the individuals are oppressed or relegated to third-class citizens...what kind of society is it?" Governments all over the world have used the pandemic and the fear of getting infected as a major weapon. She argued that this has prevented people from thinking critically. Instead, people are taught to distrust other people and to isolate themselves from their communities. Instead of thinking critically, people are being taught to blindly trust public health officials and so-called experts. "Hitler then, as rulers now, deferred to the health officials said Sharav. "We are constantly being told, "We are following the science. She warned that this will eventually lead to the "complete overthrow of human civilization". Think about that story for a moment. This is from a woman who actually survived the Holocaust, She knows what she is talking about because she lived through it and survived it and she is now telling us it is happening again all over the world and what are our US authorities doing, in our nation? NOTHING except allowing it to happen. I ask each and everyone of you which side of history do you wish to fall upon? You only have two choices. You either act to stop this and fall on the correct side of history or you do nothing and fall on the wrong side of history. History always comes to pass and history will tell the story of who did what and why. You all have a chance to band together and go down in history as the Attorney Generals who stopped this genocide. This PLANdemic will dwarf the WWII holocaust by the time it's all said and done. The time to act is NOW. Dr. David Martin has also followed all the US Patents and he can show you all how it was truly planned out years ago. In the end, we must all account for our actions in front of The God of Abraham, Isaac and Jacob whether you believe in God or not. I hope and pray that you all are up to the task at hand and for those of you that choose to stand against this evil The Lord will protect and guide you. Many times, George Washington stated that he should have died but he knew he was protected by Providence which means divine guidance or care. God Bless each and everyone of you. I pray you all do the right thing. Michelle Austin
Attachments	The-Criminal-Conspiracy-of-Coronavirus[12552].pdf

Record 349

Sender Name	M A
Sender Email	highrollerc130@yahoo.com

Recipients	Daniel.Cameron@ky.gov, Victor.Maddox@ky.gov, Dyost@ohioago.gov, bflowers@ohioago.gov, John .O'Connor@oag.ok.gov, Mithun.Mansinghani@oag.ok.gov, Herbert.Slatery@ag.tn.gov, clark.hild abrand@ag.tn.gov, Lawrence.wasden@ag.idaho.gov, brian.kane@ag.idaho.gov, Derek.Schmidt@ag. ka.gov, Jeff.Chanay@ag.ks.gov, Patrick.Morrisey@wvago.gov, Lindsay.S.See@wvago.gov, Lynn.F itch@ago.ms.gov, Scott.Stewart@ago.ms.gov, Steve.Marshall@alabamaag.gov, Edmund.LaCour@ala bamaag.gov, Treg.Taylor@alaska.gov, Charles.Brasington@alaska.gov, Eric.Schmitt@ago.mo.gov , John.Sauer@ago.mo.gov, Austin.Knudsen@mt.gov, David.Dewhirst@mt.gov, Mark.Brnovich@azag. gov, Drew.Ensign@azag.gov, Leslie.Rutledge@arkansasag.gov, Nicholas.Bronni@arkansasag.gov, Douglas.Peterson@nebraska.gov, Jim.Campbell@nebraska.gov, John.M.Formella@doj.nh.gov, Ant hony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, Ashley.Moody@myfloridalega l.com, Henry.Whitaker@myfloridalegal.com, Alanwilson@scag.gov, Robertcook@scag.gov, Jason. Ravnsborg@state.sd.us, david.mevey@state.sd.us, Theodore.Rokita@atg.in.gov, Tom.Fisher@atg .in.gov, Jeffrey.Thompson@ag.iowa.gov, Samuel.Langholz@ag.iowa.gov, Ken.Paxton@oag.texas.g ov, William.Cole@oag.texas.gov, seanreyes@agutah.gov, melissaholyoak@agutah.gov, Jlandry@a g.louisiana.gov, emurrill@ag.louisiana.gov, Bridget.Hill@wyo.gov, ryan.schelhaas@wyo.gov
Subject	Dr. Michael Yeadon & Attorney Dr. Reiner Fuellmich COVID Premeditated Murder
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 3:34:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 3:34:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 3:34:14.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** State Attorney Generals and State Solicitor Generals, These two important links can go with the earlier email I sent with Dr. David Martin's indictment brief. Dr. Reiner Fuellmich is the frontman for the Corona Committee aka Nuremberg 2.0. After interviewing hundreds of people he took his data to Warsaw Poland and the Poland Parliament has officially kicked off Nuremberg 2.0. https://dailyexpose.uk/2021/12/07/polands-nuremberg-2-0-project-has-been-launched/ Dr. Michael Yeadon worked for Pfizer for over 30 years and he was interviewed by Dr. Reiner Fuellmich and the evidence points to Genocide. https://www.redvoicemedia.com/video/2022/01/genocide-premeditated-mass-murder-evidence-dr-michael-yeadon-attorney-reiner-fuellmich/

Record 350

Sender Name	M A
Sender Email	highrollerc130@yahoo.com
Recipients	Daniel.Cameron@ky.gov, Victor.Maddox@ky.gov, Dyost@ohioago.gov, bflowers@ohioago.gov, John .O'Connor@oag.ok.gov, Mithun.Mansinghani@oag.ok.gov, Herbert.Slatery@ag.tn.gov, clark.hild abrand@ag.tn.gov, Lawrence.wasden@ag.idaho.gov, brian.kane@ag.idaho.gov, Derek.Schmidt@ag. ka.gov, Jeff.Chanay@ag.ks.gov, Patrick.Morrisey@wvago.gov, Lindsay.S.See@wvago.gov, Lynn.F itch@ago.ms.gov, Scott.Stewart@ago.ms.gov, Steve.Marshall@alabamaag.gov, Edmund.LaCour@ala bamaag.gov, Treg.Taylor@alaska.gov, Charles.Brasington@alaska.gov, Eric.Schmitt@ago.mo.gov , John.Sauer@ago.mo.gov, Austin.Knudsen@mt.gov, David.Dewhirst@mt.gov, Mark.Brnovich@azag. gov, Drew.Ensign@azag.gov, Leslie.Rutledge@arkansasag.gov, Nicholas.Bronni@arkansasag.gov, Douglas.Peterson@nebraska.gov, Jim.Campbell@nebraska.gov, John.M.Formella@doj.nh.gov, Ant hony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, Ashley.Moody@myfloridalega l.com, Henry.Whitaker@myfloridalegal.com, Alanwilson@scag.gov, Robertcook@scag.gov, Jason. Ravnsborg@state.sd.us, david.mevey@state.sd.us, Theodore.Rokita@atg.in.gov, Tom.Fisher@atg .in.gov, Jeffrey.Thompson@ag.iowa.gov, Samuel.Langholz@ag.iowa.gov, Ken.Paxton@oag.texas.g ov, William.Cole@oag.texas.gov, seanreyes@agutah.gov, melissaholyoak@agutah.gov, Jlandry@a g.louisiana.gov, emurrill@ag.louisiana.gov, Bridget.Hill@wyo.gov, ryan.schelhaas@wyo.gov
Subject	Dr. Michael Yeadon & Attorney Dr. Reiner Fuellmich COVID Premeditated Murder
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 3:34:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 3:34:03.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 3:34:14.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** State Attorney Generals and State Solicitor Generals, These two important links can go with the earlier email I sent with Dr. David Martin's indictment brief. Dr. Reiner Fuellmich is the frontman for the Corona Committee aka Nuremberg 2.0. After interviewing hundreds of people he took his data to Warsaw Poland and the Poland Parliament has officially kicked off Nuremberg 2.0. https://dailyexpose.uk/2021/12/07/polands-nuremberg-2-0-project-has-been-launched/ Dr. Michael Yeadon worked for Pfizer for over 30 years and he was interviewed by Dr. Reiner Fuellmich and the evidence points to Genocide. https://www.redvoicemedia.com/video/2022/01/genocide-premeditated-mass-murder-evidence-dr-michael-yeadon-attorney-reiner-fuellmich/

Record 351

Sender Name	McInnes-Schooler, Hannah L.
Sender Email	hschooler@nd.gov
Recipients	agall@nd.gov
Subject	Please see further phone list updates attached
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 11:34:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 11:34:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 11:34:42.000 AM
Body	*Hannah McInnes-Schooler* Administrative Assistant II North Dakota Office of Attorney General 701-328-3705
Attachments	15938.docx

Record 352

Sender Name	McInnes-Schooler, Hannah L.
Sender Email	hschooler@nd.gov
Recipients	agall@nd.gov
Subject	Please see further phone list updates attached
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 11:34:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 11:34:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 11:34:42.000 AM
Body	*Hannah McInnes-Schooler* Administrative Assistant II North Dakota Office of Attorney General 701-328-3705
Attachments	12574.docx

Record 353

Sender Name	McInnes-Schooler, Hannah L.
Sender Email	hschooler@nd.gov

Recipients	agcap1@nd.gov, agcapgrd@nd.gov
Subject	Jeans Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:05:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:05:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:05:47.000 AM
Body	Good morning! The Jeans Day envelope is out, don't forget to pay your $1. Have a wonderful Friday! *Hannah McInnes - Schooler* Administrative Assistant II North Dakota Office of Attorney General 701-328-3705

Record 354

Sender Name	White House Intergovernmental Affairs
Sender Email	IGA@mail.whitehouse.gov
Recipients	wstenehjem@nd.gov
Subject	NEW: State & Local Fiscal Recovery Final Rule
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:12.000 PM

Body

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THE WHITE HOUSE
WASHINGTON

January 6, 2022

NEW: Treasury Issues Final Rule for State & Local Fiscal Recovery Funds Program to Support the Ongoing COVID Response

U.S. Department of the Treasury

Office of Public Affairs
Press Release

FOR IMMEDIATE RELEASE
January 6, 2022

The final rule enables state and local governments to meet immediate pandemic response needs and promote long-term recovery.

WASHINGTON — Today, the U.S. Department of the Treasury issued the Final Rule for the State and Local Fiscal Recovery Funds (SLFRF) program, enacted as a part of the American Rescue Plan, which delivers $350 billion to state, local, and Tribal governments to support their response to and recovery from the COVID-19 pandemic.

The SLFRF program ensures governments have the resources needed to respond to the pandemic, including providing health and vaccine services, supporting families and businesses struggling with the pandemic's economic impacts, maintaining vital public services, and building a strong and equitable recovery.

To date, Treasury has distributed more than $245 billion to state, local, and Tribal governments as a part of the SLFRF program, accounting for over 99% of funds eligible to be disbursed in 2021 – including funds to many communities that had not received federal assistance since the onset of the pandemic. Recipients of funds were encouraged to begin using funds under the interim final rule, which was released in May 2021. Governments have been spending these funds to address the COVID-19 pandemic and its economic effects, including by expanding access to testing, vaccines, and taking other steps to protect their communities including those that are high-risk and underserved. A recent analysis by the Center on Budget and Policy Priorities found that state governments have appropriated nearly 70% of their available funds as of November 2021.

"Through the State and Local Fiscal Recovery Funds, the American Rescue Plan has provided state and local governments with the support they need to respond to the ongoing pandemic and plan for an equitable recovery," said Deputy Secretary of the Treasury Wally Adeyemo. "As the Delta and Omicron variants have illustrated, pandemic response needs will continue to evolve. These funds ensure that governments across the country have the flexibility they need to vaccinate their communities, keep schools open, support small businesses, prevent layoffs, and ensure a long-term recovery."

The final rule – which takes effect on April 1, 2022 – provides state and local governments

Body	with increased flexibility to pursue a wider range of uses, as well as greater simplicity so governments can focus on responding to the crisis in their communities and maximizing the impact of their funds. The State and Local Fiscal Recovery Funds Program final rule provides additional clarity and flexibility for recipient governments, including: • First, Treasury has expanded the non-exhaustive list of uses that recipients can use to respond to COVID-19 and its economic impacts – ensuring states and localities can adapt quickly and nimbly to changing public health and economic needs. This includes clarifying that recipients can use funds for certain capital expenditures to respond to public health and economic impacts and making services like childcare, early education, addressing learning loss, and affordable housing development available to all communities impacted by the pandemic. • Second, Treasury has expanded support for public sector hiring and capacity, which is critical for the economic recovery and in maintaining vital public services for communities. • Third, Treasury has streamlined options to provide premium pay for essential workers, who bear the greatest health risks because of their service in critical sectors. • Fourth, Treasury has broadened eligible water, sewer, and broadband infrastructure projects – understanding the unique challenges facing each state and locality in delivering clean water and high-speed broadband to their communities. • In addition to these expansions, Treasury has greatly simplified the program for small localities – many of whom have received a historic federal investment in their communities through this program – including through the option to elect a standard allowance for revenue loss rather than calculating revenue loss through the full formula. Click here to view the final rule text. Click here to view a user-friendly overview of the major provisions of the final rule. ### Full press release here: Treasury Issues Final Rule for State and Local Fiscal Recovery Funds Program to Support the Ongoing COVID Response | U.S. Department of the Treasury **Register: Upcoming Webinars** Treasury will host live webinars with recipients and stakeholders to brief and answer questions about the Final Rule at the following times: • January 7, 2022 at 1:00pm ET. Register here. This webinar will be recorded and shared within a few business days. • January 10, 2022 at 4:00pm ET. Register here. • January 12, 2022 at 1:00pm ET. Register here. If we reach RSVP capacity for any of these webinars and/or you cannot attend a webinar or prefer to be briefed at your convenience, please note that we will post a recording of the webinar hosted on January 7, 2022. Privacy Policy | Unsubscribe Office of Intergovernmental Affairs · 1600 Pennsylvania Ave NW · Washington, DC 20500-0005 · USA · 202-456-1111

Record 355

Sender Name	White House Intergovernmental Affairs
Sender Email	IGA@mail.whitehouse.gov
Recipients	wstenehjem@nd.gov
Subject	NEW: State & Local Fiscal Recovery Final Rule
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:28:12.000 PM

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U.S. Department of the Treasury

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Record 356

Sender Name	White House Intergovernmental Affairs
Sender Email	IGA@mail.whitehouse.gov
Recipients	wstenehjem@nd.gov
Subject	INVITE: White House IGA Weekly Briefing Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:54:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:53:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:54:09.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** THE WHITE HOUSE WASHINGTON **January, 26, 2022** **White House IGA Weekly Briefing Call** Join the White House Office of Intergovernmental Affairs Weekly Briefing Call hosted every Thursday at 4:00 PM ET. This week, we will be joined by: • Ali Zaidi, Deputy Assistant to the President and Deputy National Climate Advisor • Dr. Lanikque Howard, Director, Office of Community Services, Administration for Children and Families • Eduardo Cisneros, Director of Intergovernmental Affairs, COVID-19 Task Force **White House IGA Weekly Briefing Call** **Thursday, January 27 at 4:00 PM ET** **Register in advance here:** https://pitc.zoomgov.com/webinar/register/WN_n3bsWSUqRrmQGLEMRDXVVQ If you have any questions, please contact IGA46@who.eop.gov Privacy Policy | Unsubscribe Office of Intergovernmental Affairs · 1600 Pennsylvania Ave NW · Washington, DC 20500-0005 · USA · 202-456-1111

Record 357

Sender Name	White House Intergovernmental Affairs
Sender Email	IGA@mail.whitehouse.gov
Recipients	wstenehjem@nd.gov
Subject	INVITE: White House IGA Weekly Briefing Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:54:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:53:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:54:09.000 PM

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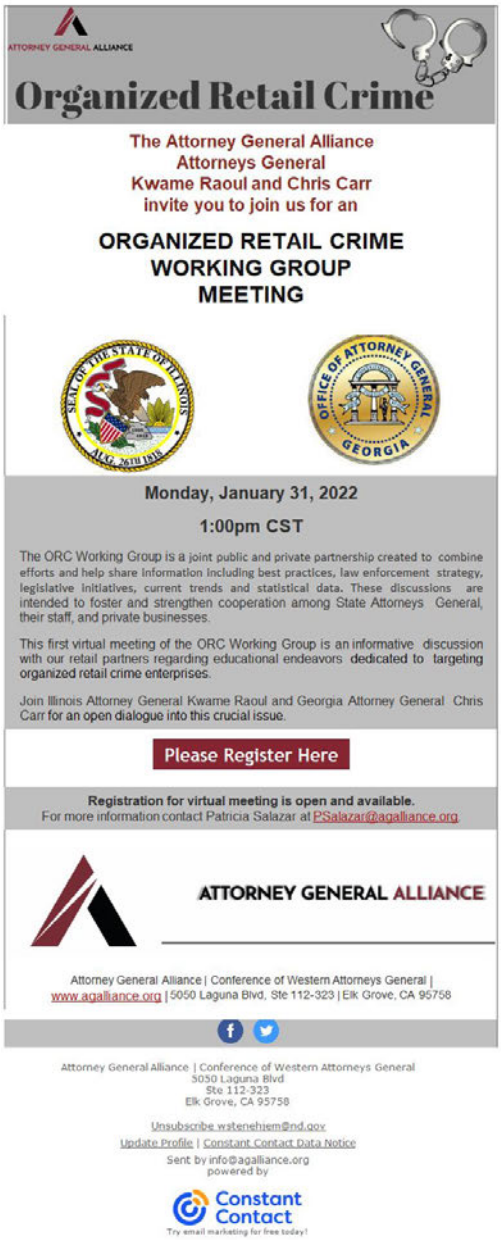
Record 358

Sender Name	The Attorney General Alliance
Sender Email	info+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	AGA Organized Retail Crime Working Group Meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:20:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:20:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:20:35.000 PM

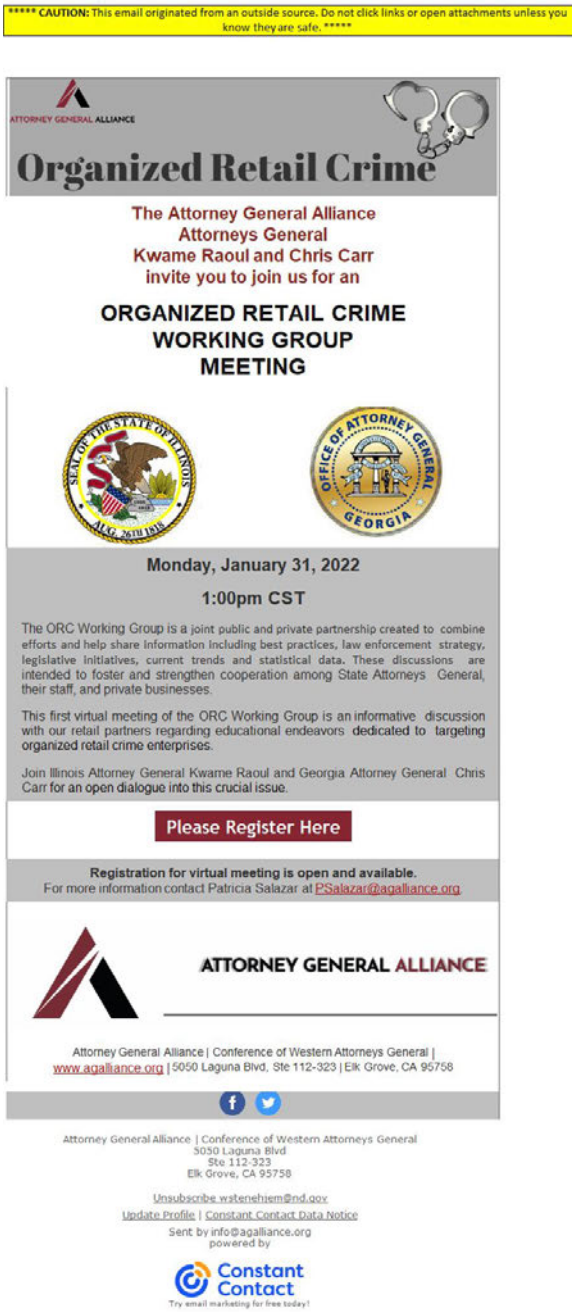
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****



Record 359

Sender Name	The Attorney General Alliance
Sender Email	info+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	AGA Organized Retail Crime Working Group Meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:20:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:20:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:20:35.000 PM

Body	



Record 360

Sender Name	Attorney General Alliance
Sender Email	info+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	Logistical Information - Chair's Initiative
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 5:41:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 5:41:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 5:41:17.000 PM

Body

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Thank you for your continued support of the Attorney General Alliance. We look forward to seeing you next week at the second convening of the Ginsburg/Scalia Initiative!

Click for List of Registrants

Safe Meeting Protocols

We are committed to providing a safe, enjoyable environment for all attendees. As such, AGA has put in place the following preventative measures to reduce the spread of COVID-19:

1. As a voluntary initiative to enhance the safety of our event, all attendees are asked to take a COVID test at least three days prior to traveling to Avon, Colorado. While you will not be required to share your test results, AGA staff may assist with timely travel cancellations.
2. In an effort to reduce the possibility of exposing a colleague or loved one to the virus, all attendees will receive a rapid antigen detection test for COVID- 19 upon arrival. Attendees are requested to immediately self- test upon hotel check- in. Attendees are then asked to apply individual- level responsibility and a strong sense of civism regarding their rapid test result. Attendees may voluntarily share test results with AGA staff to assist with quarantine or isolation procedures.

***No testing information will be requested nor collected by the AGA.**

However, if you donâ€™t feel well or show any symptoms of COVID- 19 , please stay safely at home.

AGENDA

Meeting check-in will commence on February 4th at 10:00am outside of the meeting room

February 4, 2022

2:00pm Welcome
2:15pm Keynote Address
3:00pm Opening Panel
4:00pm Panel #2
5:00pm Reception
6:00pm Dinner

February 5, 2022

7:30am Breakfast
2:00pm Panel #3
3:00pm Panel #4
4:00pm Breakout Groups
5:30pm Group Discussion
7:00pm Cocktail Reception

February 6, 2022

7:30am Breakfast and Fireside Chat

Click for Full Agenda

All meeting sessions will take place at the Ritz-Carlton ~ Salon II / Salon III

~

Breakfasts and dinner will be served at the Ritz-Carlton ~ Salon I

Travel & Transportation

AIR TRAVEL

Denver International Airport is located 131 miles (2.5 hours) from Avon
Eagle County Regional Airport is located 25 miles (30 minutes) from Avon
Aspen Pitkin County Airport is located 88 miles (1.4 hours) from Avon

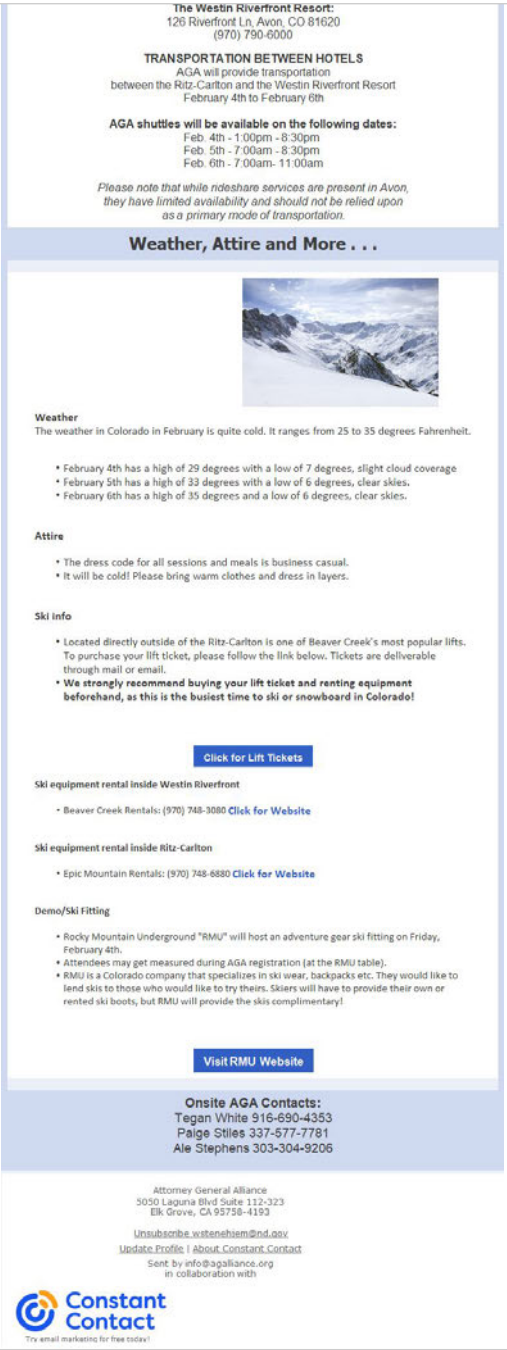
Transportation options from DEN to Avon:

Vehicle Rentals
Limo Service
Black Lane Service
Private Charter
Shuttles

CLICK HERE
for transportation options from County Airports to Avon

HOTELS
Beaver Creek
Avon, Colorado

The Ritz-Carlton Bachelor Gulch (host hotel):
0130 Daybreak Ridge Rd, Avon, CO 81620
(970) 748-6200

Body	

Record 361

Sender Name	Attorney General Alliance
Sender Email	info+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 5:41:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 5:41:11.000 PM
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Beaver Creek
Avon, Colorado

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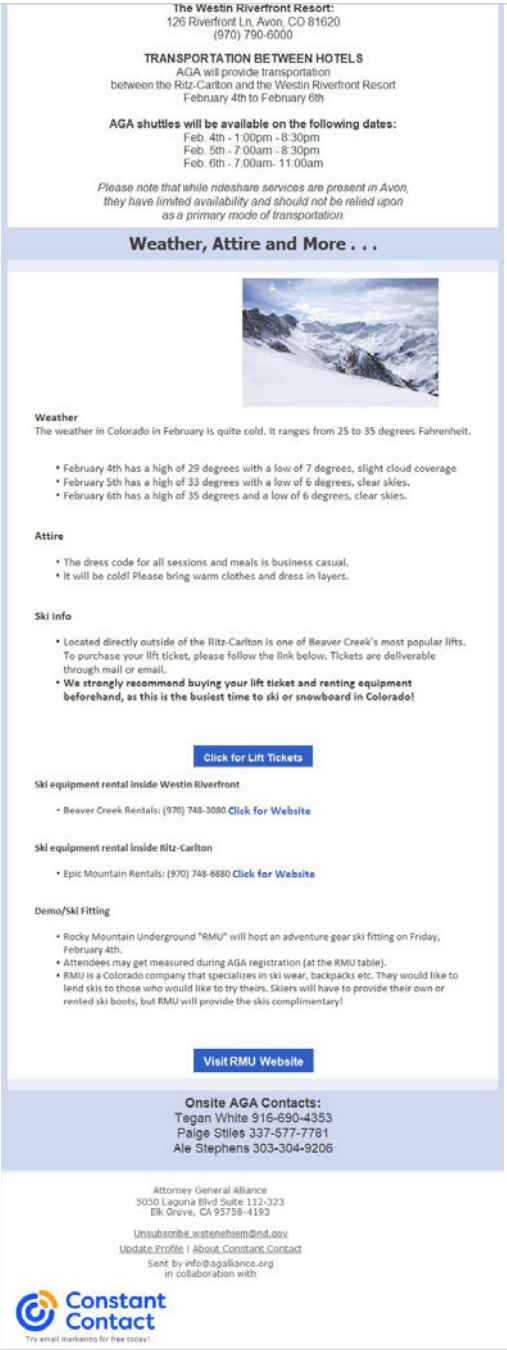
Body	

Record 362

Sender Name	KX News
Sender Email	info@nxsemail.kxnet.com
Recipients	wstenehjem@nd.gov
Subject	Out-of-state visitors react to their first North Dakota winter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:07:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:05:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:07:19.000 AM

Body

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KXNEWS

December 29, 2021

Today's Top Stories

Latest Stories

Out-of-state visitors react to their first North Dakota winter

With daily temperatures near or below zero, some seasoned North Dakotans may be used to it â€" but thatâ€™s not the case for everyone. Chances are if you went outside todayâ€¦youâ€™ve seen snow. North Dakota is known for its unforgiving winters, with cold temperatures and even colder â€¦

Read More

Here are 10 Amazon Prime Perks You Should be Using
Learn More

Menâ€™s Winter Refuge seeks volunteers to help make deliveries to shelter residents

Body

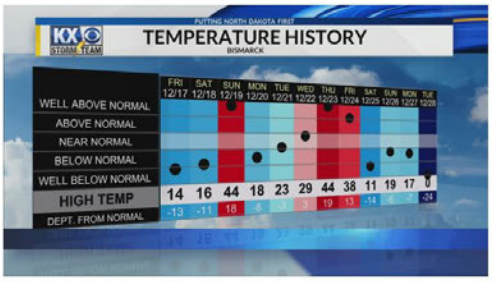
NDHP expanding officer patrols for New Yearâ€™s weekend

RJR employee: Isaakâ€™s sentence is â€˜relief,â€™ closes chapter after murders

83 catalytic converters reported stolen in Minot this year; police say more is likely

Read More

KX Storm Team Weather



Bundle up! Itâ€™s colder than Alaska!

Another cold day is in store for us for this Wednesday morning. Wind chills in the morning have registered under 50 degrees below zero in Rugby, and high temperatures for most of western North Dakota will remain below zero, save for the far southwestern portion of the state. The cold air will stick â€¦

Read More

Local Sports

Body

Boys Basketball: Full day of Class B action at Hoopster Classic at MSU Dome

Hoopster Classic Scores:Westhope/Newburg Sioux (80), Benson County Wildcats (43)Beulah Miners (62), Rugby Panthers (58)Rolla Bulldogs (58), Lewis & Clark Bombers (38)Trenton Tigers (45), DLB Lakers (55)Thompson Tommies (59), Velva Aggies (41)Our Redeemerâ€™s Knights (36), Dickinson Trinity â€¦

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Basketball: Lady Skyhawks come up just short in a double-overtime thriller against Four Winds-Minnewauken

Boys Basketball: Day two of the Mandan Holiday Tournament

Basketball: St. Maryâ€™s alumni return to the hardwood all for a good cause

Boys Basketball: Mandan Holiday Tournament tips off

Trending Stories

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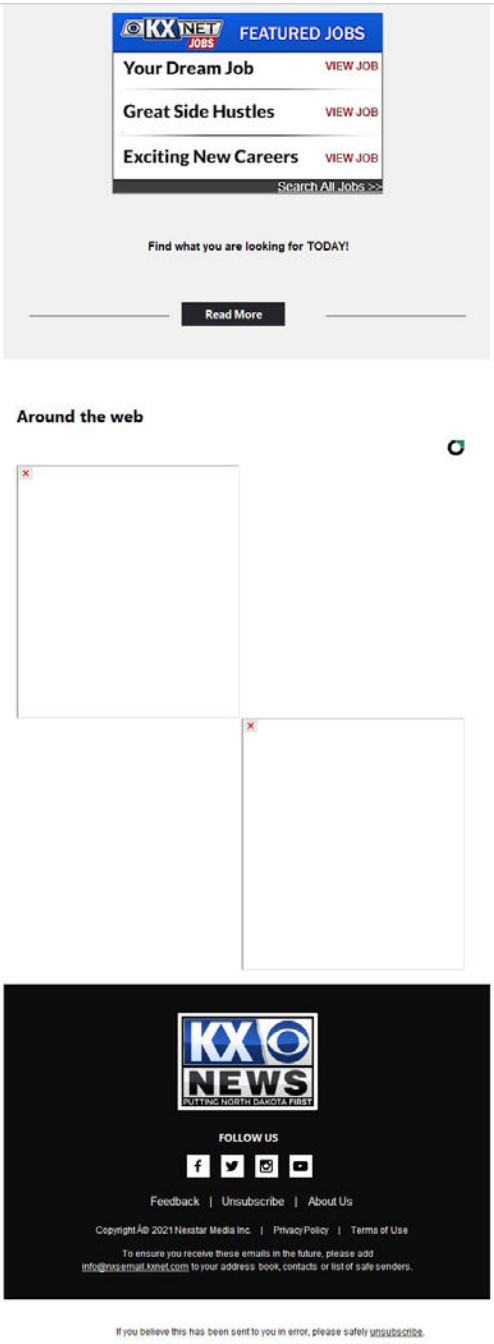
Someone You Should Know: The Mandan man behind so many reasons to celebrate, the National Day Calendar

2 snowmobilers die in Montana avalanche north of Yellowstone

Chad Isaak sentenced to life in prison without parole for the 2019 RJR killings

Body	

Record 363

Sender Name	KX News
Sender Email	info@nxsemail.kxnet.com
Recipients	wstenehjem@nd.gov
Subject	Out-of-state visitors react to their first North Dakota winter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:07:19.000 AM
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KXNEWS

December 29, 2021

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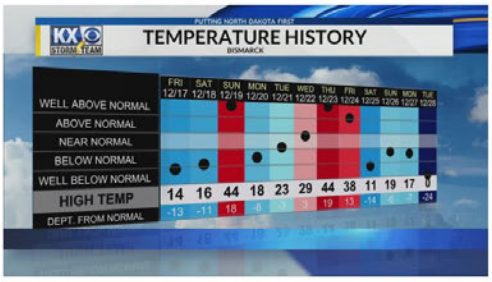

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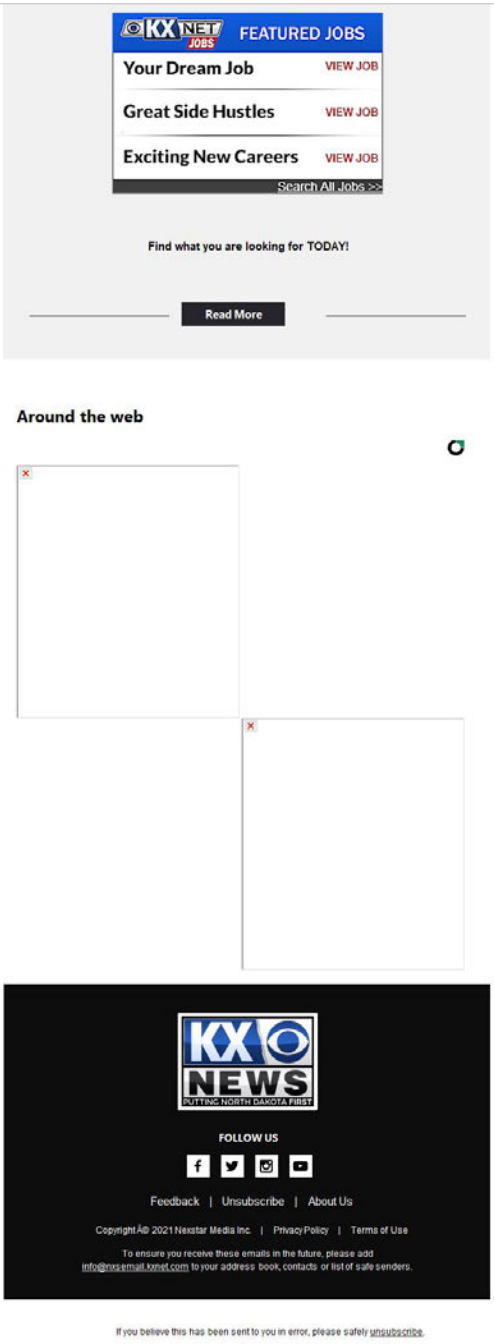
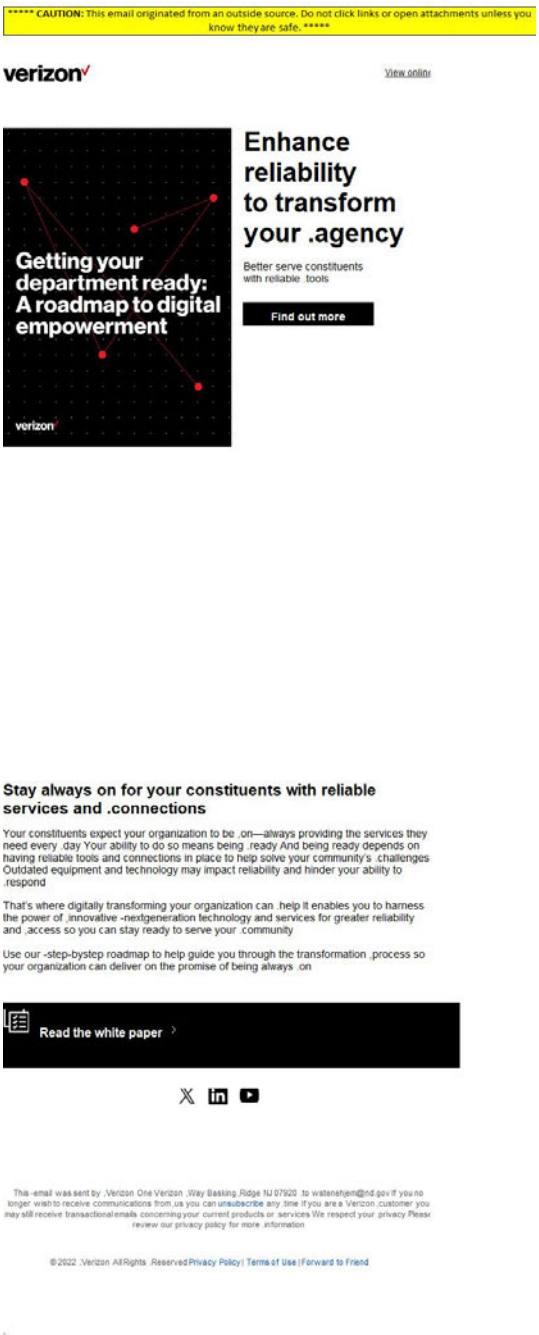
Body	

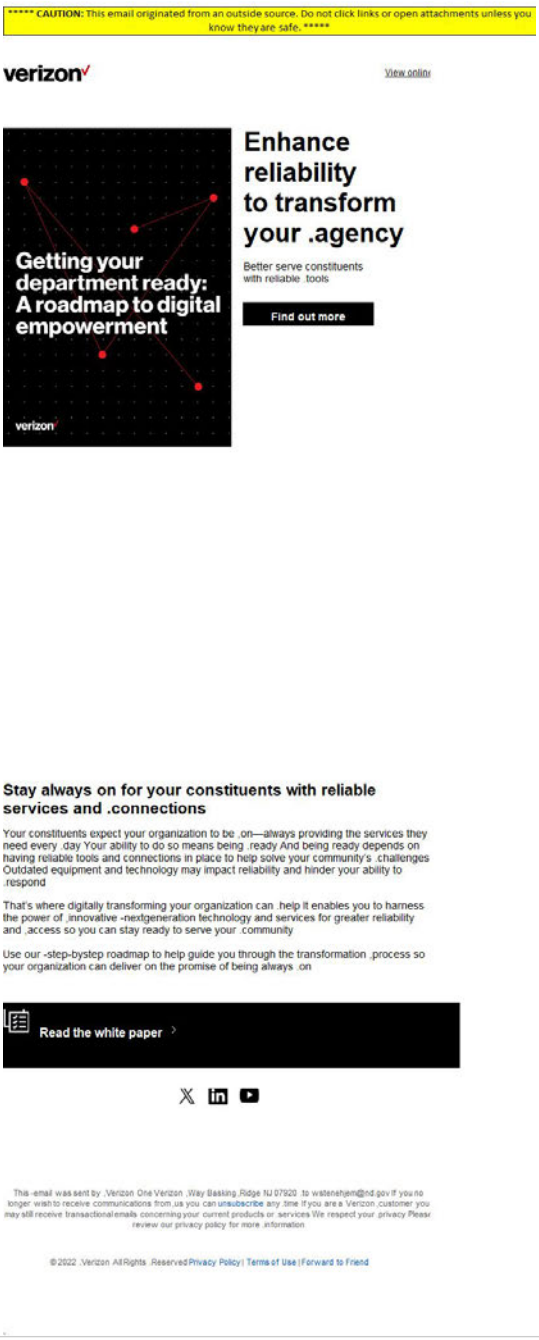
Record 364

Sender Name	Verizon
Sender Email	info@public.solution.verizon.com
Recipients	wstenehjem@nd.gov
Subject	Always on? Your constituents count on it.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:07:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:04:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:07:35.000 AM

Body	

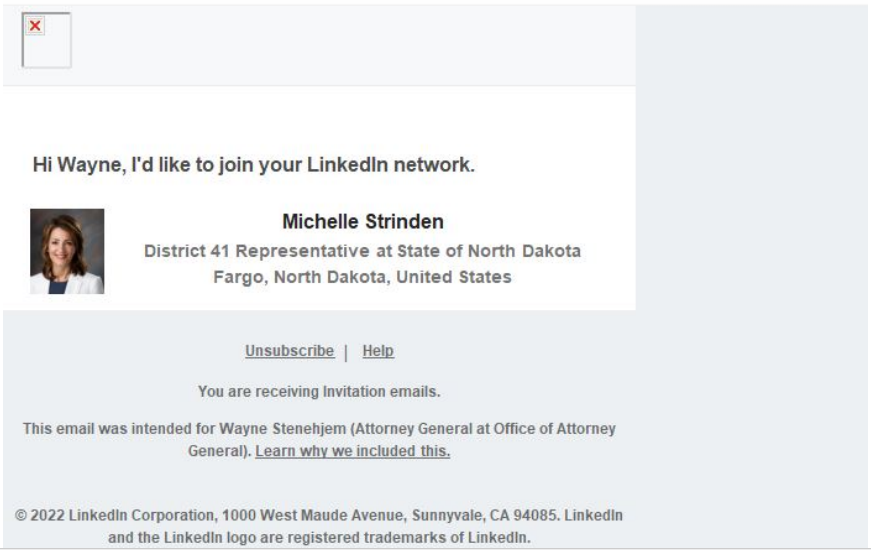
Record 365

Sender Name	Verizon
Sender Email	info@public.solution.verizon.com
Recipients	wstenehjem@nd.gov
Subject	Always on? Your constituents count on it.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:07:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:04:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:07:35.000 AM

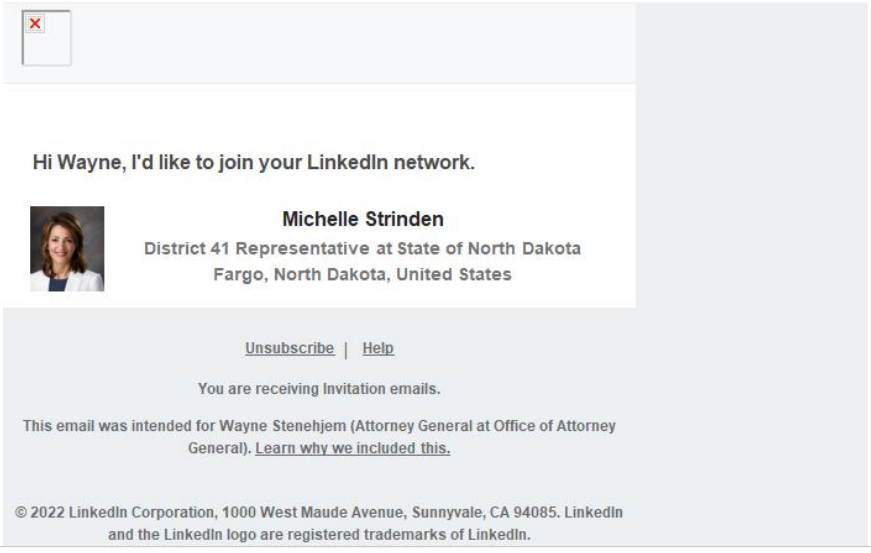
Body	

Record 366

Sender Name	Michelle Strinden
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 9:13:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 9:12:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 9:13:20.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Hi Wayne, I'd like to join your LinkedIn network. Michelle Strinden District 41 Representative at State of North Dakota Fargo, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 367

Sender Name	Michelle Strinden
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 9:13:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 9:12:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 9:13:20.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Hi Wayne, I'd like to join your LinkedIn network. Michelle Strinden District 41 Representative at State of North Dakota Fargo, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 368

Sender Name	Karen White, J.D.
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:54:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:54:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:54:35.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne, I'd like to join your LinkedIn network. Karen White, J.D. AG Alliance Sacramento, California, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 369

Sender Name	Karen White, J.D.
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:54:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:54:31.000 AM
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Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne, I'd like to join your LinkedIn network. Karen White, J.D. AG Alliance Sacramento, California, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 370

Sender Name	Scott Hennen
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:04:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:04:29.000 PM
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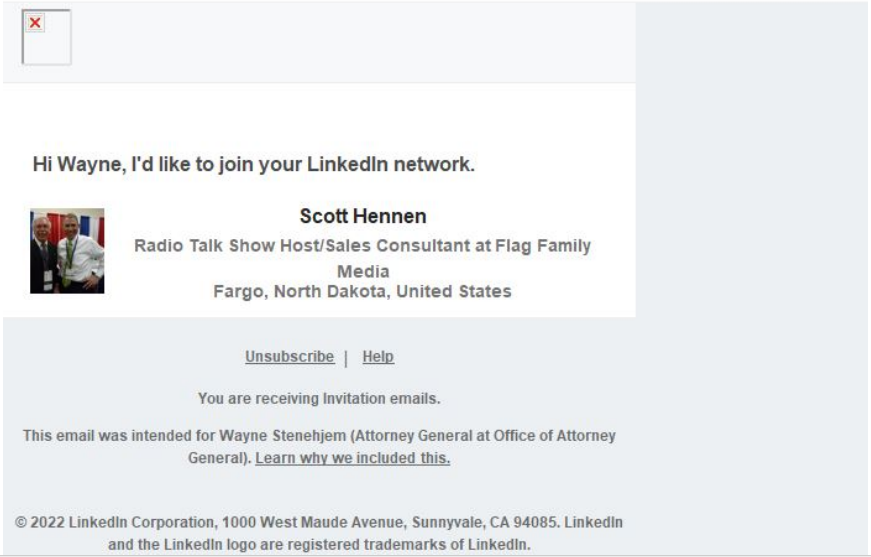
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Hi Wayne, I'd like to join your LinkedIn network. **Scott Hennen** Radio Talk Show Host/Sales Consultant at Flag Family Media Fargo, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 371

Sender Name	Scott Hennen
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
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Record 372

Sender Name	Jill Schwab
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:05:38.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:05:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:05:38.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne, I'd like to join your LinkedIn network. **Jill Schwab** Secretary of State Bismarck, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 373

Sender Name	Jill Schwab
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:05:38.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:05:23.000 PM
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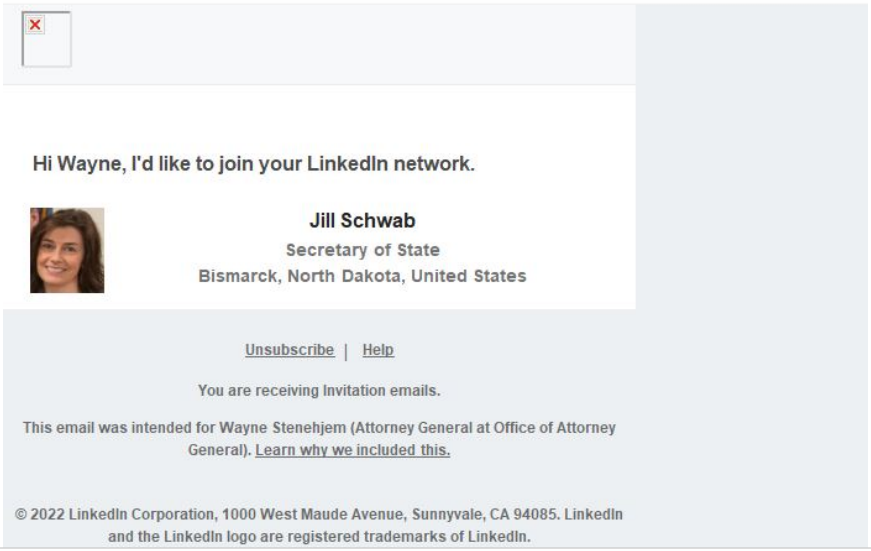
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Hi Wayne, I'd like to join your LinkedIn network. Jill Schwab Secretary of State Bismarck, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

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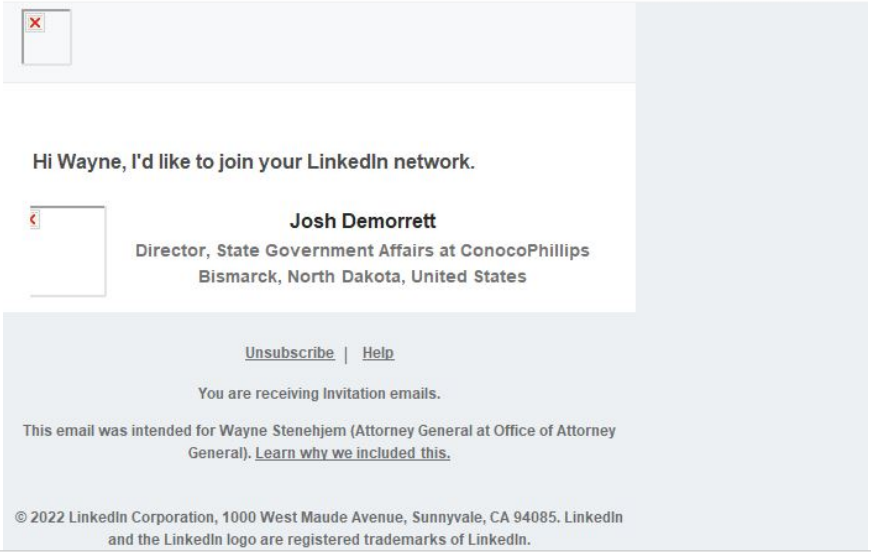
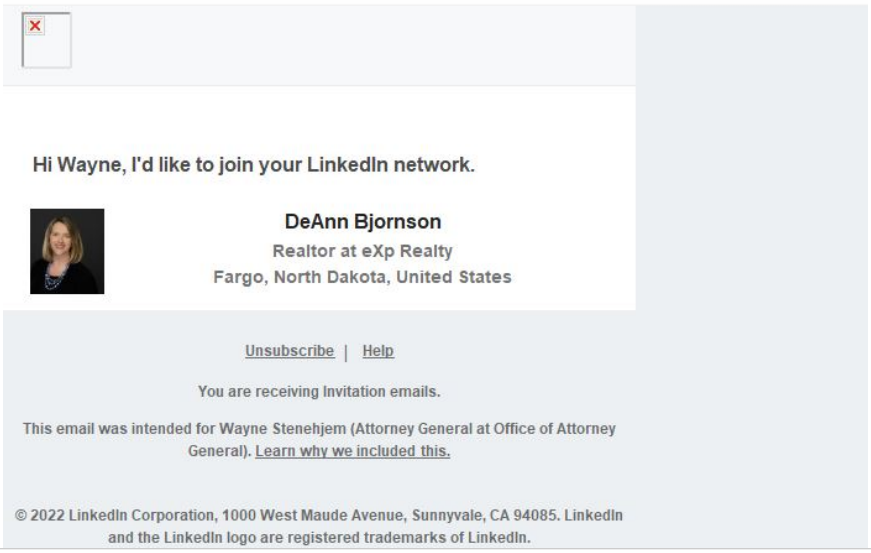
Sender Name	Josh Demorrett
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:28:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:28:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:28:54.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Hi Wayne, I'd like to join your LinkedIn network. Josh Demorrett Director, State Government Affairs at ConocoPhillips Bismarck, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 375

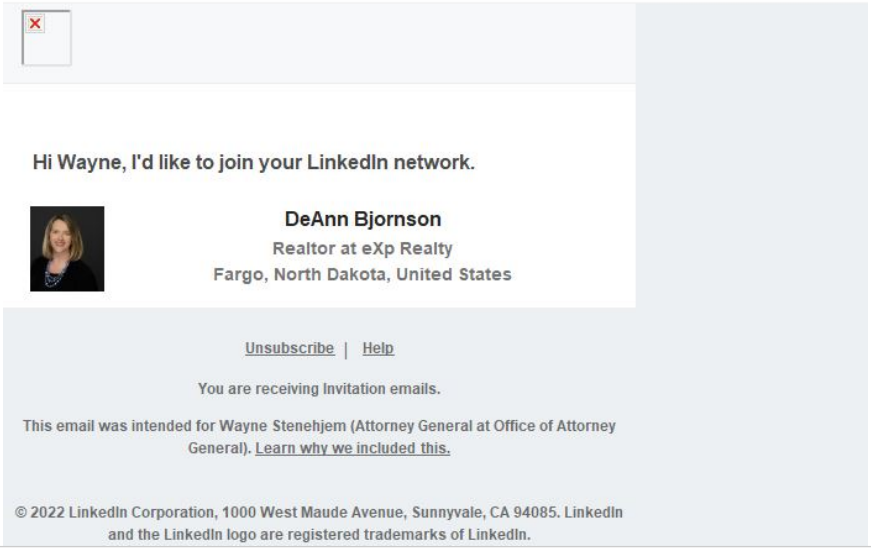
Sender Name	Josh Demorrett
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:28:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:28:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:28:54.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Hi Wayne, I'd like to join your LinkedIn network.** **Josh Demorrett** **Director, State Government Affairs at ConocoPhillips** **Bismarck, North Dakota, United States** **Unsubscribe | Help** **You are receiving Invitation emails.** **This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this.** **© 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.**

Record 376

Sender Name	DeAnn Bjornson
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:22:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:22:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:22:38.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Hi Wayne, I'd like to join your LinkedIn network. DeAnn Bjornson Realtor at eXp Realty Fargo, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 377

Sender Name	DeAnn Bjornson
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:22:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:22:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 2:22:38.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Hi Wayne, I'd like to join your LinkedIn network. DeAnn Bjornson Realtor at eXp Realty Fargo, North Dakota, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 378

Sender Name	Jesse Adams
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:13:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:13:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:13:34.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne, I'd like to join your LinkedIn network. Jesse Adams Robust technical education is the path forward to grow our businesses and communities. Elkhorn, Wisconsin, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 379

Sender Name	Jesse Adams
Sender Email	invitations@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	View my connection request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:13:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:13:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:13:34.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne, I'd like to join your LinkedIn network. Jesse Adams Robust technical education is the path forward to grow our businesses and communities. Elkhorn, Wisconsin, United States Unsubscribe | Help You are receiving Invitation emails. This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 380

Sender Name	Jack McDonald
Sender Email	jackmcdonald@wheelerwolf.com
Recipients	wstenehjem@nd.gov
Subject	Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:33:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:32:57.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:33:04.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com
CC	jackmcdonald@wheelerwolf.com, tseibel@nd.gov, mkelsch@nd.gov
Attachments	15903.doc

Record 381

Sender Name	Jack McDonald
Sender Email	jackmcdonald@wheelerwolf.com
Recipients	wstenehjem@nd.gov
Subject	Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:33:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:32:57.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:33:04.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com
CC	jackmcdonald@wheelerwolf.com, tseibel@nd.gov, mkelsch@nd.gov
Attachments	12539.doc

Record 382

Sender Name	Jack McDonald
Sender Email	jackmcdonald@wheelerwolf.com
Recipients	wstenehjem@nd.gov
Subject	RE: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:02:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:02:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:02:52.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Many thanx. Dave Kolpack is calling Liz about it as we speak. Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com **From:** Stenehjem, Wayne K. [mailto:wstenehjem@nd.gov] **Sent:** Tuesday, January 11, 2022 10:51 AM **To:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com
CC	jackmcdonald@wheelerwolf.com

Record 383

Sender Name	Jack McDonald
Sender Email	jackmcdonald@wheelerwolf.com
Recipients	wstenehjem@nd.gov
Subject	RE: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:02:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:02:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:02:52.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Many thanx. Dave Kolpack is calling Liz about it as we speak. Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com **From:** Stenehjem, Wayne K. [mailto:wstenehjem@nd.gov] **Sent:** Tuesday, January 11, 2022 10:51 AM **To:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com
CC	jackmcdonald@wheelerwolf.com

Record 384

Sender Name	Jack McDonald
Sender Email	jackmcdonald@wheelerwolf.com
Recipients	wstenehjem@nd.gov
Subject	[The Bismarck Tribune] North Dakota crime bureau adds dog for fire investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 6:01:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 6:01:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 6:01:55.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Send Agent Lee after that damn phone! https://bismarcktribune.com/news/state-and-regional/crime-and-courts/north-dakota-crime-bureau-adds-dog-for-fire-investigations/article_4e66bffe-7679-5e02-b006-519e3757189a.html?utm_medium=social&utm_source=email&utm_campaign=user-share
CC	jackmcdonald@wheelerwolf.com

Record 385

Sender Name	Jack McDonald
Sender Email	jackmcdonald@wheelerwolf.com
Recipients	wstenehjem@nd.gov
Subject	[The Bismarck Tribune] North Dakota crime bureau adds dog for fire investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 6:01:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 6:01:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 6:01:55.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Send Agent Lee after that damn phone! https://bismarcktribune.com/news/state-and-regional/crime-and-courts/north-dakota-crime-bureau-adds-dog-for-fire-investigations/article_4e66bffe-7679-5e02-b006-519e3757189a.html?utm_medium=social&utm_source=email&utm_campaign=user-share
CC	jackmcdonald@wheelerwolf.com

Record 386

Sender Name	Brubakken, Jenifer M.
Sender Email	jebrubakken@nd.gov
Recipients	agbcifm@nd.gov, agcpat@nd.gov, aglottery@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov, bekeller@nd.gov, tgerding@nd.gov, aeisenbeis@nd.gov, Randy.W.Helderop@ice.dhs.gov
Subject	Reminder - BCI/IT/FM/CPAT/Lottery Christmas Potluck
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:38:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:38:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:38:10.000 PM

Body	***~ Reminder for the Christmas potluck on Friday, December 17th ~*** ***We will set up the food tables in the hallway by Copier 3 between Colleen Weltz's office and Cybercrime.*** ***Looking forward to lots of good food!*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534* **From:** Brubakken, Jenifer M. **Sent:** Monday, November 29, 2021 1:51 PM **To:** -Grp-AG BCI/IT/FM/CJIS <agbcifm@nd.gov>; -Grp-AG CPAT <agcpat@nd.gov>; -Grp-AG Lottery <aglottery@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov>; Helderop, Randy W <Randy.W.Helderop@ice.dhs.gov> **Subject:** BCI/IT/FM/CPAT/Lottery Christmas Potluck ***Good Afternoon,*** ***The BCI/IT/FM/CPAT/LOTTERY Christmas Potluck will be held on Friday, December 17th from 11:30 AM-1 PM. Please bring something to share. Plates, silverware, napkins, & cups will be provided. I reserved Conference Rooms 1, 2, and 3 for the potluck.*** ***You are welcome to wear your favorite Ugly Christmas Sweater/Attire.*** ***If you have any questions, please let me know.*** ***Hope to see you there!*** ***Thank you.*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534*
Attachments	image002[14718].jpg, image003[14719].jpg

Record 387

Sender Name	Brubakken, Jenifer M.
Sender Email	jebrubakken@nd.gov
Recipients	agbcifm@nd.gov, agcpat@nd.gov, aglottery@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov, bekeller@nd.gov, tgerding@nd.gov, aeisenbeis@nd.gov, Randy.W.Helderop@ice.dhs.gov
Subject	Reminder - BCI/IT/FM/CPAT/Lottery Christmas Potluck
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:38:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:38:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:38:10.000 PM

Body	***~ Reminder for the Christmas potluck on Friday, December 17th ~*** ***We will set up the food tables in the hallway by Copier 3 between Colleen Weltz's office and Cybercrime.*** ***Looking forward to lots of good food!*** ***Jen Brubakken*** ***Administrative Staff Officer*** ***ND Bureau of Criminal Investigation*** ***701.328.5534*** **From:** Brubakken, Jenifer M. **Sent:** Monday, November 29, 2021 1:51 PM **To:** -Grp-AG BCI/IT/FM/CJIS <agbcifm@nd.gov>; -Grp-AG CPAT <agcpat@nd.gov>; -Grp-AG Lottery <aglottery@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov>; Helderop, Randy W <Randy.W.Helderop@ice.dhs.gov> **Subject:** BCI/IT/FM/CPAT/Lottery Christmas Potluck ***Good Afternoon,*** ***The BCI/IT/FM/CPAT/LOTTERY Christmas Potluck will be held on Friday, December 17th from 11:30 AM-1 PM. Please bring something to share. Plates, silverware, napkins, & cups will be provided. I reserved Conference Rooms 1, 2, and 3 for the potluck.*** ***You are welcome to wear your favorite Ugly Christmas Sweater/Attire.*** ***If you have any questions, please let me know.*** ***Hope to see you there!*** ***Thank you.*** ***Jen Brubakken*** ***Administrative Staff Officer*** ***ND Bureau of Criminal Investigation*** ***701.328.5534***
Attachments	image002[11250].jpg, image003[11251].jpg

Record 388

Sender Name	Brubakken, Jenifer M.
Sender Email	jebrubakken@nd.gov
Recipients	agbcifm@nd.gov, agcpat@nd.gov, aglottery@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov, bekeller@nd.gov, tgerding@nd.gov, aeisenbeis@nd.gov, Randy.W.Helderop@ice.dhs.gov
Subject	RE: Reminder - BCI/IT/FM/CPAT/Lottery Christmas Potluck
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:18:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:18:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:18:51.000 AM

Body	***If you have not done so already, you can bring your food to the potluck tables in the hallway and we can start eating at 11:30.*** ***Thank you everyone!*** ***Enjoy!*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534* **From:** Brubakken, Jenifer M. **Sent:** Wednesday, December 15, 2021 3:38 PM **To:** -Grp-AG BCI/IT/FM/CJIS <agbcifm@nd.gov>; -Grp-AG CPAT <agcpat@nd.gov>; -Grp-AG Lottery <aglottery@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov>; 'Helderop, Randy W' <Randy.W.Helderop@ice.dhs.gov> **Subject:** Reminder - BCI/IT/FM/CPAT/Lottery Christmas Potluck ***~ Reminder for the Christmas potluck on Friday, December 17th ~*** ***We will set up the food tables in the hallway by Copier 3 between Colleen Weltz's office and Cybercrime.*** ***Looking forward to lots of good food!*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534* **From:** Brubakken, Jenifer M. **Sent:** Monday, November 29, 2021 1:51 PM **To:** -Grp-AG BCI/IT/FM/CJIS <agbcifm@nd.gov>; -Grp-AG CPAT <agcpat@nd.gov>; -Grp-AG Lottery <aglottery@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov>; Helderop, Randy W <Randy.W.Helderop@ice.dhs.gov> **Subject:** BCI/IT/FM/CPAT/Lottery Christmas Potluck ***Good Afternoon,*** ***The BCI/IT/FM/CPAT/LOTTERY Christmas Potluck will be held on Friday, December 17th from 11:30 AM-1 PM. Please bring something to share. Plates, silverware, napkins, & cups will be provided. I reserved Conference Rooms 1, 2, and 3 for the potluck.*** ***You are welcome to wear your favorite Ugly Christmas Sweater/Attire.*** ***If you have any questions, please let me know.*** ***Hope to see you there!*** ***Thank you.*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534*
Attachments	image001[14798].jpg, image002[14799].jpg

Record 389

Sender Name	Brubakken, Jenifer M.
Sender Email	jebrubakken@nd.gov
Recipients	agbcifm@nd.gov, agcpat@nd.gov, aglottery@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov, bekeller@nd.gov, tgerding@nd.gov, aeisenbeis@nd.gov, Randy.W.Helderop@ice.dhs.gov
Subject	RE: Reminder - BCI/IT/FM/CPAT/Lottery Christmas Potluck
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:18:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:18:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:18:51.000 AM

Body	***If you have not done so already, you can bring your food to the potluck tables in the hallway and we can start eating at 11:30.*** ***Thank you everyone!*** ***Enjoy!*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534* **From:** Brubakken, Jenifer M. **Sent:** Wednesday, December 15, 2021 3:38 PM **To:** -Grp-AG BCI/IT/FM/CJIS <agbcifm@nd.gov>; -Grp-AG CPAT <agcpat@nd.gov>; -Grp-AG Lottery <aglottery@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov>; 'Helderop, Randy W' <Randy.W.Helderop@ice.dhs.gov> **Subject:** Reminder - BCI/IT/FM/CPAT/Lottery Christmas Potluck ***~ Reminder for the Christmas potluck on Friday, December 17th ~*** ***We will set up the food tables in the hallway by Copier 3 between Colleen Weltz's office and Cybercrime.*** ***Looking forward to lots of good food!*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534* **From:** Brubakken, Jenifer M. **Sent:** Monday, November 29, 2021 1:51 PM **To:** -Grp-AG BCI/IT/FM/CJIS <agbcifm@nd.gov>; -Grp-AG CPAT <agcpat@nd.gov>; -Grp-AG Lottery <aglottery@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov>; Helderop, Randy W <Randy.W.Helderop@ice.dhs.gov> **Subject:** BCI/IT/FM/CPAT/Lottery Christmas Potluck ***Good Afternoon,*** ***The BCI/IT/FM/CPAT/LOTTERY Christmas Potluck will be held on Friday, December 17th from 11:30 AM-1 PM. Please bring something to share. Plates, silverware, napkins, & cups will be provided. I reserved Conference Rooms 1, 2, and 3 for the potluck.*** ***You are welcome to wear your favorite Ugly Christmas Sweater/Attire.*** ***If you have any questions, please let me know.*** ***Hope to see you there!*** ***Thank you.*** *Jen Brubakken* *Administrative Staff Officer* *ND Bureau of Criminal Investigation* *701.328.5534*
Attachments	image001[11335].jpg, image002[11336].jpg

Record 390

Sender Name	Lee, Judy E.
Sender Email	jlee@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Re: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:55:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:55:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:55:53.000 AM

Body	I can't believe the dysfunction of that board! The # of incidents is astounding. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 10, 2021 8:50:51 AM **To:** Lee, Judy E. <jlee@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: open records question Thanks, Judy, for the email. The Board if, of course a public entity subject to the open records and meetings laws. Mary Kelsch has addressed this issue with the board member you refer to, and I asked her about it. Here is what she said: "He was not a board member at the time of the executive session. The recording is exempt so it could be released to him if the board votes to release it to him. I believe he made a motion at a board meeting to listen to it and they voted NOT to release the recording to him." I hope this helps answer your question Wayne **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 8:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov
CC	mkelsch@nd.gov

Record 391

Sender Name	MacPherson, James
Sender Email	jmacpherson@ap.org
Recipients	wstenehjem@nd.gov
Subject	Montana pot
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:31:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:31:10.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:31:15.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Wayne, Like to talk to you about the impact legal Montana pot might have, or is already having, on North Dakota. I think I remember you testifying about Colorado pot back when medical marijuana was being debated here. Could you call this morning? 223-8557. Thanks, James The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Record 392

Sender Name	MacPherson, James
Sender Email	jmacpherson@ap.org
Recipients	wstenehjem@nd.gov

Subject	Montana pot
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:31:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:31:10.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:31:15.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Wayne, Like to talk to you about the impact legal Montana pot might have, or is already having, on North Dakota. I think I remember you testifying about Colorado pot back when medical marijuana was being debated here. Could you call this morning? 223-8557. Thanks, James The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Record 393

Sender Name	McCarthy, Jason
Sender Email	JMcCarthy@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	Retirement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:26:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:24:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:26:00.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne, Congratulations on your upcoming retirement and thank you for all the years of leadership and service. Enjoy your well-deserved retirement! Merry Christmas, Jason

Record 394

Sender Name	McCarthy, Jason
Sender Email	JMcCarthy@ndcourts.gov
Subject	Retirement
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:24:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:26:00.000 AM

Record 395

Sender Name	Morrissette, Joe
Sender Email	jmorrissette@nd.gov
Subject	RE: 2022 Strategy Reviews - Reminder
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:24:18.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:24:13.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:24:18.000 AM

Body	**Reminder:** If you have not submitted your one-page agency summary, please do so as soon as you have it prepared. This information will help participants in the strategy review meeting better understand your agency, constituents, and recent accomplishments and allow us to better focus on your agency vision and strategy during the meeting. **Subject:** 2022 Strategy Reviews **Importance:** High Agency Leaders, I am excited to announce the start of a new budget cycle for the 2023-25 biennium. We will once again begin with a discussion of your agency strategy. The budget is a tool to help you achieve your strategic goals, so our budget process begins with a focus on your strategic vision. As we seek to continually improve the strategy review process, we have provided a variety of new resources to assist you: • Strategic Planning Framework – Step-by-step, practical guide to developing a comprehensive strategic plan. • Strategic Planning Template – Template to organize your strategic plan as you build it. • Action Plan Template – Template to translate your strategic plan into actionable steps. • Strategy Review One-page Template – Fillable template to create a one-page info sheet about your agency to be used for the strategy review, legislative presentations, recruiting, public information, etc. Note that the first "hidden" page contains instructions. • **2022 Strategy Review PowerPoint Template – Updated, simplified strategy review template to guide your preparation for the 2022 strategy review.** All of the above resources are available on Team ND Connect for your reference. You will be receiving a strategy review invite from Lori Sondag with a meeting time between late February and the end of March 2022. The meeting invite will go to your agency leader and chief fiscal contact. Please forward to others within your agency you would like to include. **Please send to Lori Sondag:** • Your agency's Strategy Review One-page Template, **by January 14, 2022** ***AND*** • An electronic version of your agency's 2022 Strategy Review PowerPoint Template, **no later than the day prior to your scheduled meeting** Feel free to reach out to me, Molly Herrington, or your budget analyst if you have any questions or need assistance in the strategic planning process or your preparation for the strategy review. Thank you for your thoughtful work as you prepare for our strategic review and discussion. We look forward to meeting with you. Joe Joe Morrissette, CPA *Director* 701.328.4606 • jmorrissette@nd.gov • www.omb.nd.gov
CC	rrbloms@nd.gov, bdeichert@nd.gov, Smgullickson@nd.gov, steajohnson@nd.gov, lajmartin@nd.gov, starla.morkassel@ndsu.edu, david.ruhland@ndsu.edu
Attachments	image001[15375].png, image002[15376].png, image004[15377].png, image005[15378].png

Record 396

Sender Name	Morrissette, Joe
Sender Email	jmorrissette@nd.gov
Subject	RE: 2022 Strategy Reviews - Reminder
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:24:18.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:24:13.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:24:18.000 AM

Body	**Reminder:** If you have not submitted your one-page agency summary, please do so as soon as you have it prepared. This information will help participants in the strategy review meeting better understand your agency, constituents, and recent accomplishments and allow us to better focus on your agency vision and strategy during the meeting. **Subject:** 2022 Strategy Reviews **Importance:** High Agency Leaders, I am excited to announce the start of a new budget cycle for the 2023-25 biennium. We will once again begin with a discussion of your agency strategy. The budget is a tool to help you achieve your strategic goals, so our budget process begins with a focus on your strategic vision. As we seek to continually improve the strategy review process, we have provided a variety of new resources to assist you: • Strategic Planning Framework – Step-by-step, practical guide to developing a comprehensive strategic plan. • Strategic Planning Template – Template to organize your strategic plan as you build it. • Action Plan Template – Template to translate your strategic plan into actionable steps. • Strategy Review One-page Template – Fillable template to create a one-page info sheet about your agency to be used for the strategy review, legislative presentations, recruiting, public information, etc. Note that the first "hidden" page contains instructions. • **2022 Strategy Review PowerPoint Template – Updated, simplified strategy review template to guide your preparation for the 2022 strategy review.** All of the above resources are available on Team ND Connect for your reference. You will be receiving a strategy review invite from Lori Sondag with a meeting time between late February and the end of March 2022. The meeting invite will go to your agency leader and chief fiscal contact. Please forward to others within your agency you would like to include. **Please send to Lori Sondag:** • Your agency's Strategy Review One-page Template, **by January 14, 2022** ***AND*** • An electronic version of your agency's 2022 Strategy Review PowerPoint Template, **no later than the day prior to your scheduled meeting** Feel free to reach out to me, Molly Herrington, or your budget analyst if you have any questions or need assistance in the strategic planning process or your preparation for the strategy review. Thank you for your thoughtful work as you prepare for our strategic review and discussion. We look forward to meeting with you. Joe Joe Morrissette, CPA *Director* 701.328.4606 • jmorrissette@nd.gov • www.omb.nd.gov
CC	rrbloms@nd.gov, bdeichert@nd.gov, Smgullickson@nd.gov, steajohnson@nd.gov, lajmartin@nd.gov, starla.morkassel@ndsu.edu, david.ruhland@ndsu.edu
Attachments	image001[11979].png, image002[11980].png, image004[11981].png, image005[11982].png

Record 397

Sender Name	Morrissette, Joe
Sender Email	jmorrissette@nd.gov
Subject	Please Take the OMB Customer Satisfaction Survey - Closes end of day Friday, February 11
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 2:19:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 2:19:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 2:19:10.000 PM

Body	Good afternoon, One of the great things about working for the Office of Management and Budget (OMB) is the opportunity to work with our fellow agencies and team members. We would like to hear about your experience working with us, so we can identify areas of improvement from a customer service perspective. **Click here to take the OMB Customer Satisfaction Survey** This survey is anonymous, so please be honest. It should only take you around five to seven minutes to complete. **The survey will close at the end of the day on Friday, Feb. 11.** Thank you for taking the time to share your thoughts. Joe Morrissette, CPA *Director* 701.328.4606 • jmorrissette@nd.gov • www.omb.nd.gov
Attachments	image001[12768].png

Record 398

Sender Name	Nicolai, James E.
Sender Email	jnicolai@nd.gov
Recipients	tcanderson@nd.gov, ddnelson@nd.gov, jwagendorf@nd.gov
Subject	ND Indoor RV Park v. State of North Dakota et al
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:11:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:11:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:11:56.000 AM
Body	Hi Tag, Doug and Julie. §44-04-19.1 [redacted] Thanks! Jim **James E. Nicolai** **Deputy Solicitor General** **ND Office of Attorney General** **500 North 9th Street** **Bismarck, ND 58501-4509** **Telephone: (701) 328-3640** **Email** jnicolai@nd.gov **The information contained in this message may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient of this message and have received this transmittal by mistake, please do not distribute or copy the communication. Instead, I would appreciate it if you would notify me at the Office of Attorney General immediately by telephone at (701) 328-3640. Thank you for your cooperation.**

CC	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov, mejhamilton@nd.gov
Attachments	16017.pdf

Record 399

Sender Name	Nicolai, James E.
Sender Email	jnicolai@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov
Subject	State of ND v. Susan Bala, et al
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:58:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:58:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:58:25.000 AM
Body	The BAP issued its decision today addressing our appeal of the Bankruptcy Court's adverse decision. We lost the appeal. The opinion is attached. I have reached out to Doug Anderson and asked if I can set up a time to visit with him about the decision. Jim
Attachments	15922.pdf

Record 400

Sender Name	Nicolai, James E.
Sender Email	jnicolai@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov
Subject	State of ND v. Susan Bala, et al
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:58:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:58:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:58:25.000 AM
Body	The BAP issued its decision today addressing our appeal of the Bankruptcy Court's adverse decision. We lost the appeal. The opinion is attached. I have reached out to Doug Anderson and asked if I can set up a time to visit with him about the decision. Jim
Attachments	12558.pdf

Record 401

Sender Name	Noyes, Joel
Sender Email	jnoyes@hess.com
Recipients	jnoyes@hess.com
Subject	FW: News Releases: Hess Announces 2022 Capital and Exploratory Budget; Hess Midstream Announces 2022 Guidance
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:04:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:04:22.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:04:50.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Please see below for links to the news releases announcing 2022 CapEx for Hess and Hess Midstream. Both companies have robust plans for continued investment and operations in the Bakken. Key figures summarized below. Please let me know if any questions. • **Hess** plans $790 million in 2022 to fund a three rig program in the Bakken. The company expects to drill approximately 90 gross operated wells and to bring online approximately 85 wells in 2022. Funds are also included for investment in non-operated wells. • **Hess Midstream** 2022 capital expenditures expected to be approximately $235 million, focused on expansion of gas compression capacity and gathering system well connects to meet Hess Corporation's accelerated pace of development in the Bakken. Hess Corporation and Hess Midstream have just issued news releases publicly. Click on the links below to read them. Hess Announces 2022 E&P Capital and Exploratory Budget Hess Midstream LP Announces 2022 Guidance Joel Noyes Government & External Affairs HESS CORPORATION
Attachments	image003[15825].jpg, image004[15826].png

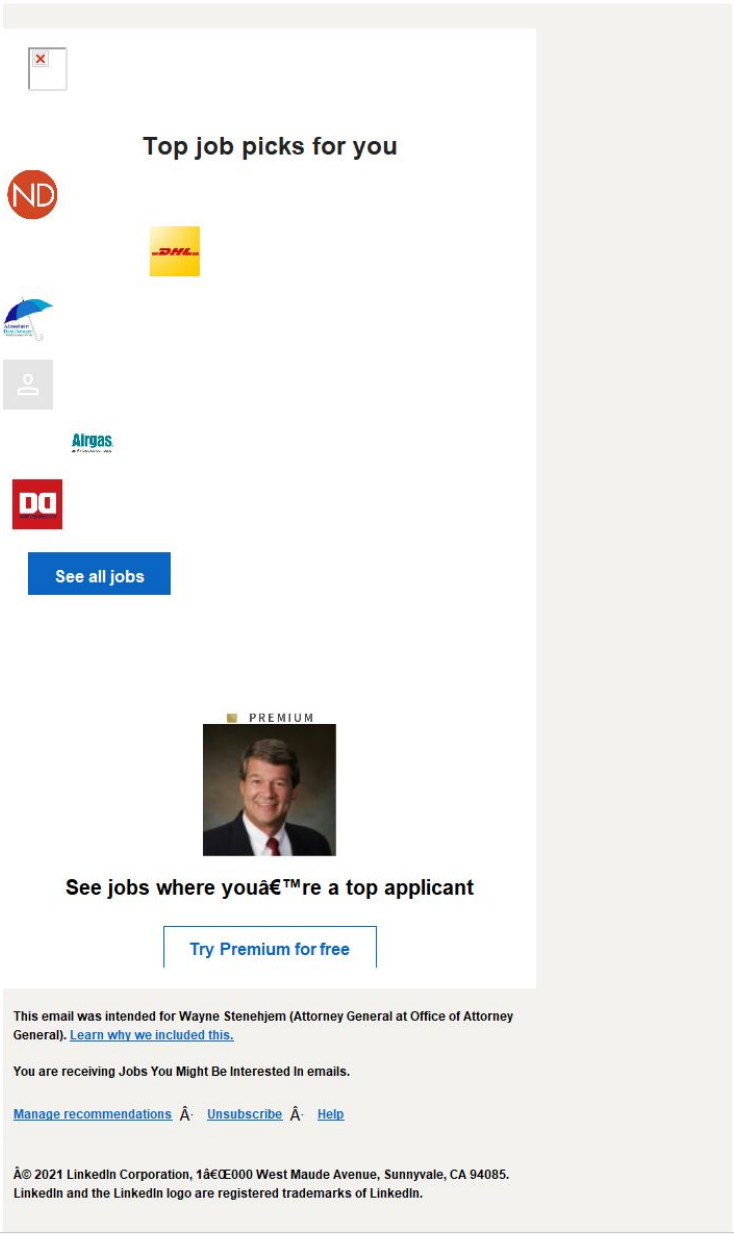
Record 402

Sender Name	Noyes, Joel
Sender Email	jnoyes@hess.com
Recipients	jnoyes@hess.com
Subject	FW: News Releases: Hess Announces 2022 Capital and Exploratory Budget; Hess Midstream Announces 2022 Guidance
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:04:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:04:22.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:04:50.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Please see below for links to the news releases announcing 2022 CapEx for Hess and Hess Midstream. Both companies have robust plans for continued investment and operations in the Bakken. Key figures summarized below. Please let me know if any questions. • **Hess** plans $790 million in 2022 to fund a three rig program in the Bakken. The company expects to drill approximately 90 gross operated wells and to bring online approximately 85 wells in 2022. Funds are also included for investment in non-operated wells. • **Hess Midstream** 2022 capital expenditures expected to be approximately $235 million, focused on expansion of gas compression capacity and gathering system well connects to meet Hess Corporation's accelerated pace of development in the Bakken. Hess Corporation and Hess Midstream have just issued news releases publicly. Click on the links below to read them. Hess Announces 2022 E&P Capital and Exploratory Budget Hess Midstream LP Announces 2022 Guidance Joel Noyes Government & External Affairs HESS CORPORATION
Attachments	image003[12464].jpg, image004[12465].png

Record 403

Sender Name	LinkedIn
Sender Email	jobs-listings@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	Office of North Dakota Governor Doug Burgum is looking for: General Counsel.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:17:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:16:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:17:02.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** 

Record 404

Sender Name	LinkedIn
Sender Email	jobs-listings@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	Office of North Dakota Governor Doug Burgum is looking for: General Counsel.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:17:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:16:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:17:02.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Top job picks for you See all jobs PREMIUM See jobs where youâ€™re a top applicant Try Premium for free This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. You are receiving Jobs You Might Be Interested In emails. Manage recommendations Â· Unsubscribe Â· Help Â© 2021 LinkedIn Corporation, 1â€Œ000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 405

Sender Name	LinkedIn
Sender Email	jobs-listings@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	U.S. Department of Homeland Security is looking for: General Attorney.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:31:13.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:31:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:31:13.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Top job picks for you See all jobs PREMIUM See jobs where youâ€™re a top applicant Try Premium for free This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. You are receiving Jobs You Might Be Interested In emails. Manage recommendations Â· Unsubscribe Â· Help Â© 2022 LinkedIn Corporation, 1â€Œ000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 406

Sender Name	LinkedIn
Sender Email	jobs-listings@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	U.S. Department of Homeland Security is looking for: General Attorney.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:31:13.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:31:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 7:31:13.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Top job picks for you** See all jobs PREMIUM **See jobs where youâ€™re a top applicant** Try Premium for free This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. You are receiving Jobs You Might Be Interested In emails. Manage recommendations Â· Unsubscribe Â· Help Â© 2022 LinkedIn Corporation, 1â€Œ000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 407

Sender Name	LinkedIn
Sender Email	jobs-listings@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	U.S. Department of Homeland Security is looking for: General Attorney.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 6:20:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 6:20:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 6:20:27.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Top job picks for you See all jobs PREMIUM See jobs where youâ€™re a top applicant Try Premium for free This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. You are receiving Jobs You Might Be Interested In emails. Manage recommendations Â· Unsubscribe Â· Help Â© 2022 LinkedIn Corporation, 1â€Œ000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 408

Sender Name	LinkedIn
Sender Email	jobs-listings@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	U.S. Department of Homeland Security is looking for: General Attorney.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 6:20:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 6:20:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 6:20:27.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Top job picks for you See all jobs PREMIUM See jobs where youâ€™re a top applicant Try Premium for free This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. You are receiving Jobs You Might Be Interested In emails. Manage recommendations Â· Unsubscribe Â· Help Â© 2022 LinkedIn Corporation, 1â€Œ000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 409

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	doug@nd.gov, wstenehjem@nd.gov, ajaeger@nd.gov, tbeadle@nd.gov, kbaesler@nd.gov
Subject	Land Board Investment Updates as of 12/9/2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 7:09:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 7:09:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 7:09:26.000 AM

Body	Good Morning, Attached is the Portfolio performance as of 12/9/21. Below is the asset allocation. $17.5M capital call to Angelo Gordon DL IV made on 12/9 is reflected. Regards, Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
Attachments	image001[14245].png, image005[14244].png, 16021.xlsx

Record 410

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	dchua@nd.gov, wstenehjem@nd.gov
Subject	Fwd: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:00:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:00:37.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:00:39.000 AM

Body	Please review and provide your feedback today. It's due Monday. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 10, 2021 7:45:55 AM **To:** Smith, Jodi <jodi.smith@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov> **Subject:** FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET Jodi and Tom. Do either of you have any comments or recommendations on this proposed letter? I note this, or a similar letter, is being circulated to State Treasurers around the country. Wayne N.B. the short turn-around on this letter. **From:** Melissa Holyoak <melissaholyoak@agutah.gov> **Sent:** Friday, December 10, 2021 12:52 AM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; James.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov>; Cecilia Lesmes <clesmes@agutah.gov> **Subject:** RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello All, Attached are a redline and clean version of the ERISA comments letter with some revisions. Many thanks to Arkansas and Idaho for already joining! Please reach out with any questions/comments. Thanks! Melissa **From:** Melissa Holyoak **Sent:** Wednesday, December 8, 2021 4:58 PM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; James.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov> **Subject:** ERISA ESG Comment Letter -- Deadline 12/13 at 3 pm ET Hello All, Attached is a draft comments letter in response to a revised DOL rule regarding ERISA plan sponsors' obligations relating to ESG investments. The letter argues that these investments are often misleading and administratively costly and should not be encouraged. The administration also does not provide justification for departure from the current rules that went into effect early 2021. The current rules clarify that only pecuniary factors can be considered when investing. **I apologize for the short turnaround but we need joins by Monday December 13 at 6 pm ET.** Also, please note that we worked with our state Treasurer on this letter. He is circulating to treasurers from other states to see if they would like to add their signatures. We welcome any feedback and if you have any questions or concerns, please do not hesitate to contact me. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	16019.docx, 16020.docx

Record 411

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov, tbeadle@nd.gov
Subject	RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:26:12.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:26:11.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:26:12.000 AM

Body

Good Morning-
We read through the draft letters and do not see any issues. We are comfortable with what is being proposed.

Thank you,

Jodi Smith, MNM, MNT
Land Commissioner

701.328.2807 • jodi.smith@nd.gov • land.nd.gov

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, December 10, 2021 7:46 AM
To: Smith, Jodi <jodi.smith@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>
Subject: FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Jodi and Tom,
Do either of you have any comments or recommendations on this proposed letter?
I note this, or a similar letter, is being circulated to State Treasurers around the country.
Wayne
N.B. the short turn-around on this letter.

From: Melissa Holyoak <melissaholyoak@agutah.gov>
Sent: Friday, December 10, 2021 12:52 AM
To: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov>
Cc: Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov>; Cecilia Lesmes <clesmes@agutah.gov>
Subject: RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello All,

Body	Attached are a redline and clean version of the ERISA comments letter with some revisions. Many thanks to Arkansas and Idaho for already joining! Please reach out with any questions/comments. Thanks! Melissa **From:** Melissa Holyoak **Sent:** Wednesday, December 8, 2021 4:58 PM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov> **Subject:** ERISA ESG Comment Letter -- Deadline 12/13 at 3 pm ET Hello All, Attached is a draft comments letter in response to a revised DOL rule regarding ERISA plan sponsors' obligations relating to ESG investments. The letter argues that these investments are often misleading and administratively costly and should not be encouraged. The administration also does not provide justification for departure from the current rules that went into effect early 2021. The current rules clarify that only pecuniary factors can be considered when investing. **I apologize for the short turnaround but we need joins by Monday December 13 at 6 pm ET.** Also, please note that we worked with our state Treasurer on this letter. He is circulating to treasurers from other states to see if they would like to add their signatures. We welcome any feedback and if you have any questions or concerns, please do not hesitate to contact me. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	image001[14254].png

Record 412

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	doug@nd.gov, wstenehjem@nd.gov, ajaeger@nd.gov, tbeadle@nd.gov, kbaesler@nd.gov
Subject	Land Board Agenda
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:49:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:49:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:49:46.000 AM

Body	**DO NOT REPLY ALL** Good Morning- Below is the link for the Land Board Agenda. December 21, 2021 Land Board Agenda Materials If there is any additional material I can prepare for the Land Board meeting please let me know. I do anticipate the Board meeting lasting 2.5 hours. Thank you, Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
CC	dseay@nd.gov, pcarmichael@nd.gov, lbrocker@nd.gov
Attachments	image002[14792].png

Record 413

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	doug@nd.gov, wstenehjem@nd.gov, ajaeger@nd.gov, tbeadle@nd.gov, kbaesler@nd.gov
Subject	Land Board Agenda
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:49:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:49:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:49:46.000 AM
Body	**DO NOT REPLY ALL** Good Morning- Below is the link for the Land Board Agenda. December 21, 2021 Land Board Agenda Materials If there is any additional material I can prepare for the Land Board meeting please let me know. I do anticipate the Board meeting lasting 2.5 hours. Thank you, Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
CC	dseay@nd.gov, pcarmichael@nd.gov, lbrocker@nd.gov
Attachments	image002[11329].png

Record 414

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	doug@nd.gov, wstenehjem@nd.gov
Subject	DOI Order Relating to MHA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:11:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:11:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:11:39.000 AM
Body	I wasn't sure if you were aware of this order. This could elicit calls from the press so I wanted to pass it along.

Attachments	OFR-PI_2022-00388_PI[15254].pdf

Record 415

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	doug@nd.gov, wstenehjem@nd.gov
Subject	DOI Order Relating to MHA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:11:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:11:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:11:39.000 AM
Body	I wasn't sure if you were aware of this order. This could elicit calls from the press so I wanted to pass it along.
Attachments	OFR-PI_2022-00388_PI[12537].pdf

Record 416

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov, jawald@nd.gov, jverleger@nd.gov, dpgarner@nd.gov, cmc@pearce-durick.com
Subject	MHA Figure Four Ranch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:32:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:32:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:32:33.000 AM
Body	Good Morning- We created a map to demonstrate the effects of the DOI proclamation on Land Board assets. Please let me know if you have any questions. Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
Attachments	15898.pdf, image001[15264].png, OFR-PI_2022-00388_PI[15899].pdf

Record 417

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov, jawald@nd.gov, jverleger@nd.gov, dpgarner@nd.gov, cmc@pearce-durick.com
Subject	MHA Figure Four Ranch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:32:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:32:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 9:32:33.000 AM

Body	Good Morning- We created a map to demonstrate the effects of the DOI proclamation on Land Board assets. Please let me know if you have any questions. Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
Attachments	12533.pdf, image001[11861].png, OFR-PI_2022-00388_PI[12534].pdf

Record 418

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov, dpgarner@nd.gov
Subject	Request for Executive Session Material
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:55:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:55:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:55:28.000 AM
Body	Good Day- Leslie has made a request that I send her the recording for last month's Executive Session. Historically, we have never emailed a recording of an Executive Session. Board members wishing to listen have had to come to the DTL office and listen to them here. I specifically recall an instance when Treasurer Schmidt made this request and she was denied. I have hesitancy changing our position on recordings of Executive Session. Open your thoughts and suggestions. Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
Attachments	image001[15760].png

Record 419

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov, dpgarner@nd.gov
Subject	Request for Executive Session Material
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:55:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:55:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 10:55:28.000 AM
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Attachments	image001[12399].png

Record 420

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Minnkota Carbon Storage Easement Agreement - AG approval required
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 7:33:12.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 7:33:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 7:33:13.000 AM
Body	Good Morning Attorney General- Please see Mr. Wald's comments below. We are seeking your approval on the insurance provision (page 11). Thank you, Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, January 21, 2022 10:34 AM **To:** Smith, Jodi <jodi.smith@nd.gov> **Subject:** Minnkota Carbon Storage Easement Agreement - AG approval required Commissioner, In the October 28, 2021 Board meeting, the Board approved a draft carbon storage easement agreement (subject to Attorney General's approval) with Minnkota Power Cooperative to store carbon in pore space underlying Board-managed property in Oliver County. The Attorney General approved the draft on November 3, 2021. Since that time, Minnkota has expressed concern with subsection 11.4 that would permit the Board to unilaterally and immediately terminate the Agreement in the event that Minnkota allows a lapse of insurance coverage. Tag Anderson with the Risk Management Division proposed revised language to this provision providing Minnkota an opportunity to cure any such lapse and Minnkota has agreed. Attached is a redline version of the Agreement that incorporates the changes to the insurance provision (page 11) as well as immaterial clean-up edits. Also attached is an inducement letter providing for additional payment as a condition to executing the Easement Agreement. We are again asking for the Attorney General's approval of this Agreement as revised. Respectfully, **James J. Wald** Assistant Attorney General ND Department of Trust Lands 1707 North 9th Street Bismarck, ND 58501 Direct: (701) 328-1948 jawald@nd.gov *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*
Attachments	15845.docx, image001[15817].png, 15846.docx

Record 421

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Minnkota Carbon Storage Easement Agreement - AG approval required
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 7:33:12.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 7:33:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 7:33:13.000 AM
Body	Good Morning Attorney General- Please see Mr. Wald's comments below. We are seeking your approval on the insurance provision (page 11). Thank you, Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, January 21, 2022 10:34 AM **To:** Smith, Jodi <jodi.smith@nd.gov> **Subject:** Minnkota Carbon Storage Easement Agreement - AG approval required Commissioner, In the October 28, 2021 Board meeting, the Board approved a draft carbon storage easement agreement (subject to Attorney General's approval) with Minnkota Power Cooperative to store carbon in pore space underlying Board-managed property in Oliver County. The Attorney General approved the draft on November 3, 2021. Since that time, Minnkota has expressed concern with subsection 11.4 that would permit the Board to unilaterally and immediately terminate the Agreement in the event that Minnkota allows a lapse of insurance coverage. Tag Anderson with the Risk Management Division proposed revised language to this provision providing Minnkota an opportunity to cure any such lapse and Minnkota has agreed. Attached is a redline version of the Agreement that incorporates the changes to the insurance provision (page 11) as well as immaterial clean-up edits. Also attached is an inducement letter providing for additional payment as a condition to executing the Easement Agreement. We are again asking for the Attorney General's approval of this Agreement as revised. Respectfully, **James J. Wald** Assistant Attorney General ND Department of Trust Lands 1707 North 9th Street Bismarck, ND 58501 Direct: (701) 328-1948 jawald@nd.gov *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*
Attachments	12482.docx, image001[12454].png, 12483.docx

Record 422

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	doug@nd.gov, wstenehjem@nd.gov, ajaeger@nd.gov, tbeadle@nd.gov, kbaesler@nd.gov
Subject	January Land Board Packet
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 12:13:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 12:13:00.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 12:13:04.000 PM

Body	**DO NOT REPLY ALL** Land Board Members- Below is a link to the Land Board Packet. It is a short agenda and I do not anticipate the meeting lasting more than one hour. This is a Microsoft Teams meeting ONLY. As always, please let me know if there is any additional material you would like for me to prepare for the meeting. January 27, 2022 Agenda Materials Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
CC	dseay@nd.gov, lbrocker@nd.gov, pcarmichael@nd.gov, lboliver@nd.gov, rhaase@nd.gov
Attachments	image001[15818].png

Record 423

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	doug@nd.gov, wstenehjem@nd.gov, ajaeger@nd.gov, tbeadle@nd.gov, kbaesler@nd.gov
Subject	January Land Board Packet
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 12:13:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 12:13:00.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 12:13:04.000 PM
Body	**DO NOT REPLY ALL** Land Board Members- Below is a link to the Land Board Packet. It is a short agenda and I do not anticipate the meeting lasting more than one hour. This is a Microsoft Teams meeting ONLY. As always, please let me know if there is any additional material you would like for me to prepare for the meeting. January 27, 2022 Agenda Materials Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
CC	dseay@nd.gov, lbrocker@nd.gov, pcarmichael@nd.gov, lboliver@nd.gov, rhaase@nd.gov
Attachments	image001[12456].png

Record 424

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:04:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:04:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:04:04.000 PM

Body	FYI.... -----Original Message----- From: Smith, Jodi Sent: Monday, January 24, 2022 1:03 PM To: Amy Dalrymple Molter <Amy.Dalrymple@bismarcktribune.com> Cc: Sisk, Amy (Bismarck Tribune) <amy.sisk@bismarcktribune.com>; Nicholson (Bismarck Tribune), Blake <blake.nicholson@bismarcktribune.com>; McCusker, Kristie M. <kmccusker@nd.gov> Subject: RE: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits Good Afternoon Amy- The Board did not vote on the issue. Newfield was discussed in Executive Session and the Board provided legal counsel with direction per NDCC §§ 44-04-19.1 and 44-04-19.2. Please let me know if there is any additional information I can provide. Thank you, Jodi Smith, MNM, MNT Land Commissioner 701.328.2807 • jodi.smith@nd.gov • land.nd.gov -----Original Message----- From: Amy Dalrymple Molter <Amy.Dalrymple@bismarcktribune.com> Sent: Monday, January 24, 2022 11:44 AM To: Smith, Jodi <jodi.smith@nd.gov> Cc: Sisk, Amy (Bismarck Tribune) <amy.sisk@bismarcktribune.com>; Nicholson (Bismarck Tribune), Blake <blake.nicholson@bismarcktribune.com> Subject: RE: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Jodi, Can you please cite the statute that allowed the Land Board to decide in an executive session to file an appeal rather than take a vote in a public session? We will be noting the closed session vote in a story that Amy is working on today. Thank you. Amy Dalrymple Editor, Bismarck Tribune (701) 250-8267 (work) (701) 580-6890 (cell) -----Original Message----- From: Smith, Jodi [mailto:jodi.smith@nd.gov] Sent: Sunday, January 23, 2022 9:20 AM To: Fintan Dooley <findooley@gmail.com> Cc: Amy Dalrymple Molter <Amy.Dalrymple@bismarcktribune.com>; Amy Sisk <Amy.Sisk@bismarcktribune.com>; McCusker, Kristie M. <kmccusker@nd.gov> Subject: RE: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits The Board discussed this issue in Executive Session. There was no open session vote.

Record 425

Sender Name	Smith, Jodi
Sender Email	jodi.smith@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:04:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:04:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 1:04:04.000 PM

Body	FYI.... -----Original Message----- From: Smith, Jodi Sent: Monday, January 24, 2022 1:03 PM To: Amy Dalrymple Molter <Amy.Dalrymple@bismarcktribune.com> Cc: Sisk, Amy (Bismarck Tribune) <amy.sisk@bismarcktribune.com>; Nicholson (Bismarck Tribune), Blake <blake.nicholson@bismarcktribune.com>; McCusker, Kristie M. <kmccusker@nd.gov> Subject: RE: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits Good Afternoon Amy- The Board did not vote on the issue. Newfield was discussed in Executive Session and the Board provided legal counsel with direction per NDCC §§ 44-04-19.1 and 44-04-19.2. Please let me know if there is any additional information I can provide. Thank you, Jodi Smith, MNM, MNT Land Commissioner 701.328.2807 • jodi.smith@nd.gov • land.nd.gov -----Original Message----- From: Amy Dalrymple Molter <Amy.Dalrymple@bismarcktribune.com> Sent: Monday, January 24, 2022 11:44 AM To: Smith, Jodi <jodi.smith@nd.gov> Cc: Sisk, Amy (Bismarck Tribune) <amy.sisk@bismarcktribune.com>; Nicholson (Bismarck Tribune), Blake <blake.nicholson@bismarcktribune.com> Subject: RE: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Jodi, Can you please cite the statute that allowed the Land Board to decide in an executive session to file an appeal rather than take a vote in a public session? We will be noting the closed session vote in a story that Amy is working on today. Thank you. Amy Dalrymple Editor, Bismarck Tribune (701) 250-8267 (work) (701) 580-6890 (cell) -----Original Message----- From: Smith, Jodi [mailto:jodi.smith@nd.gov] Sent: Sunday, January 23, 2022 9:20 AM To: Fintan Dooley <findooley@gmail.com> Cc: Amy Dalrymple Molter <Amy.Dalrymple@bismarcktribune.com>; Amy Sisk <Amy.Sisk@bismarcktribune.com>; McCusker, Kristie M. <kmccusker@nd.gov> Subject: RE: ND School Land Trust Continental Resources leases and obligation to pay royalty based upon gross profits The Board discussed this issue in Executive Session. There was no open session vote.

Record 426

Sender Name	Sauer, John
Sender Email	John.Sauer@ago.mo.gov
Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:44:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:44:51.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

They have just entered a similar order setting oral argument on 1/7 in the stay petitions for the CMS vaccine mandate. See attached.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, December 22, 2021 5:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: OSHA ARGUMENT SCHEDULED FOR 1/7
Importance: High

SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Date: Saturday, Dec 18, 2021, 8:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <

Body	<[illegible]>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <james.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. <SCOTUS Stay Request - OSHA.DOCX> The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us. This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	14949.pdf

Record 427

Sender Name	Sauer, John
Sender Email	John.Sauer@ago.mo.gov
Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:44:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:43:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:44:51.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

They have just entered a similar order setting oral argument on 1/7 in the stay petitions for the CMS vaccine mandate. See attached.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, December 22, 2021 5:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: OSHA ARGUMENT SCHEDULED FOR 1/7
Importance: High

SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Date: Saturday, Dec 18, 2021, 8:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <

Body	<[illegible]>, Bowdre, Barrett <[illegible]>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <james.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us. This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	12595.pdf

Record 428

Sender Name	John Breyault, National Consumers League
Sender Email	johnb@nclnet.org
Recipients	wstenehjem@nd.gov
Subject	The #DataInsecurity Digest: January 27, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:02:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:02:55.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 429

Sender Name	John Breyault, National Consumers League
Sender Email	johnb@nclnet.org
Recipients	wstenehjem@nd.gov
Subject	The #DataInsecurity Digest: January 27, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:02:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:00:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 8:02:55.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 430

Sender Name	Sciarrotta, Joseph
Sender Email	Joseph.Sciarrotta@azag.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Gratitude
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:58:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:58:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:58:17.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** LOL! Eulogy is 60% done. Wait, that is for Troy. BTW, my in person eulogy rate is expensive so I now offer a streaming service. Have a great 2022 and hope to see you soon. Best, Joe **Joseph Sciarrotta, Jr.** **Division Chief Counsel** **Civil Litigation Division** Office of Arizona Attorney General Mark Brnovich 2005 N. Central Avenue Phoenix, AZ 85004 Desk: 602-542-7778 http://www.azag.gov NOTICE: This email (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. If you have received this email in error, please immediately notify the sender and delete the original email. Thank you. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 03, 2022 12:43 PM **To:** Sciarrotta, Joseph <Joseph.Sciarrotta@azag.gov> **Subject:** Gratitude Joe, Thank you so much for your very kind letter. I am having it laminated and framed so I can hang it above our headboard. Would you be available to come and give a eulogy at my funeral, should the need arise? [BTW, no rush!] I value our friendship. All the best to you in 2022! Wayne
Attachments	image001[15030].png

Record 431

Sender Name	Sciarrotta, Joseph
Sender Email	Joseph.Sciarrotta@azag.gov
Subject	RE: Gratitude
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:58:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:58:17.000 PM

Record 432

Sender Name	Joshua Richardson
Sender Email	Joshua.Richardson@OhioAGO.gov
Subject	In re OSHA, 21A___
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:46:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:45:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:46:09.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Counsel, Please see the attached Stay Application and accompanying appendix and certificate of service. These were just filed with the US Supreme Court. We will also send hard copies. Thank you. Regards, Joshua Richardson Executive Assistant – Office of the Solicitor General Office of Ohio Attorney General Dave Yost Office number: 614-728-7510 Joshua.Richardson@OhioAGO.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may conta otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or a intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. I please notify me immediately by telephone.
Attachments	image001[14845].png, 15965.PDF, 15964.pdf, 15966.pdf

Record 433

Sender Name	Joshua Richardson
Sender Email	Joshua.Richardson@OhioAGO.gov
Subject	In re OSHA, 21A___
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:46:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:45:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:46:09.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Counsel, Please see the attached Stay Application and accompanying appendix and certificate of service. These were just filed with the US Supreme Court. We will also send hard copies. Thank you. Regards, Joshua Richardson Executive Assistant – Office of the Solicitor General Office of Ohio Attorney General Dave Yost Office number: 614-728-7510 Joshua.Richardson@OhioAGO.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may conta otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or a intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. I please notify me immediately by telephone.
Attachments	image001[11383].png, 12607.PDF, 12606.pdf, 12608.pdf

Record 434

Sender Name	Schell, Joe R.
Sender Email	jschell@nd.gov
Recipients	agall@nd.gov, agtasks@nd.gov
Subject	Downtime
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 2:31:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 2:31:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 2:31:15.000 PM
Body	**Description:** NDIT has scheduled network downtime that will likely cause intermittent connectivity issues during the outage window. **Starting:** 4:00 AM on 1/8/22 **Ending:** 8:00 AM on 1/8/22 **Who This Will Affect:** Everyone in our office could see intermittent network connectivity issues during the outage window. If you have any questions, send an email or call. Thanks Joe S. JOSEPH SCHELL | Assistant Director – I.T. Division North Dakota Attorney General e: jschell@nd.gov | p: 701.328.5559

Record 435

Sender Name	Schell, Joe R.
Sender Email	jschell@nd.gov
Recipients	agall@nd.gov, agtasks@nd.gov
Subject	Downtime
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 2:31:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 2:31:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 2:31:15.000 PM

Body	**Description:** NDIT has scheduled network downtime that will likely cause intermittent connectivity issues during the outage window. **Starting:** 4:00 AM on 1/8/22 **Ending:** 8:00 AM on 1/8/22 **Who This Will Affect:** Everyone in our office could see intermittent network connectivity issues during the outage window. If you have any questions, send an email or call. Thanks Joe S. JOSEPH SCHELL | Assistant Director – I.T. Division North Dakota Attorney General e: jschell@nd.gov | p: 701.328.5559

Record 436

Sender Name	Thiel, Jolene J.
Sender Email	jthiel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	NR Status Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:50:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:50:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:50:21.000 PM
Body	*Attached is Natural Resources status report.* *Thank you.* *Jolene J. Thiel* *Administrative Staff Officer* *ND Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Telephone: (701) 328-3645* *Facsimile: (701) 328-4300* ***Confidentiality Notice:*** *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*
CC	masagsve@nd.gov
Attachments	January[15939].pdf

Record 437

Sender Name	Thiel, Jolene J.
Sender Email	jthiel@nd.gov
Subject	NR Status Report
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:50:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:50:21.000 PM

Record 438

Sender Name	Tufte, Justice Jerod
Sender Email	JTufte@ndcourts.gov
Recipients	wstenehjem@nd.gov

Subject	open records in the judicial branch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:12:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:11:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:12:10.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon Wayne, I haven't yet had a chance to wish you well in your announced retirement. I hope this means that you and Beth will have even greater opportunities for interesting travel. Congratulations on your long and honorable service to the state. I reach out today because I am leading a work group to rewrite our court rule relating to open records (Admin. Rule 41). You may recall that about two years ago we amended this rule and implemented a policy of greater remote public access of court records that had been to that point available only in person at court houses. For a variety of reasons, that public access under the amended rule was suspended. Our Court Services Administration Committee spent more than a year working on another approach to these issues. Unfortunately, I believe the result of that effort did not leave us with a viable rule to manage access to records within the judicial branch. I have been working on a draft rule for consideration by the Supreme Court that would closely track the open records provisions in Chapter 44-04, in many cases by expressly incorporating those procedures by reference. As you are probably aware, Chapter 44-04 expressly excludes from the definition of "record" any documents in the possession of a court. This carve-out recognizes that the Court has authority to provide by rule for management of judicial records. I think the public should have a more consistent experience in terms of cost, response time, administrative procedure, etc whether records are requested from the executive branch or the judicial branch. I explain all this to you to ask if you would recommend someone in your office having knowledge and experience with our open records laws to participate in 2-3 meetings over the course of the next 3 months or so. I think the statutory procedures for requests, costs, response time, search and collection, and many of the exemptions and confidentiality exclusions are well crafted and would work well for court records. If this project leads where I believe it will, the court, and eventually the public, would benefit from your office's expertise in this area as we re-write our open records rule to harmonize it with Chapter 44-04. Thank you for your assistance with this and please let me know if your office has someone willing and able to assist us with this. You can also reach me on my cell phone at [redacted] if you'd like to discuss further. Jerod **Jerod E. Tufte** Justice - North Dakota Supreme Court

Record 439

Sender Name	Tufte, Justice Jerod
Sender Email	JTufte@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	open records in the judicial branch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:12:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:11:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:12:10.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon Wayne, I haven't yet had a chance to wish you well in your announced retirement. I hope this means that you and Beth will have even greater opportunities for interesting travel. Congratulations on your long and honorable service to the state. I reach out today because I am leading a work group to rewrite our court rule relating to open records (Admin. Rule 41). You may recall that about two years ago we amended this rule and implemented a policy of greater remote public access of court records that had been to that point available only in person at court houses. For a variety of reasons, that public access under the amended rule was suspended. Our Court Services Administration Committee spent more than a year working on another approach to these issues. Unfortunately, I believe the result of that effort did not leave us with a viable rule to manage access to records within the judicial branch. I have been working on a draft rule for consideration by the Supreme Court that would closely track the open records provisions in Chapter 44-04, in many cases by expressly incorporating those procedures by reference. As you are probably aware, Chapter 44-04 expressly excludes from the definition of "record" any documents in the possession of a court. This carve-out recognizes that the Court has authority to provide by rule for management of judicial records. I think the public should have a more consistent experience in terms of cost, response time, administrative procedure, etc whether records are requested from the executive branch or the judicial branch. I explain all this to you to ask if you would recommend someone in your office having knowledge and experience with our open records laws to participate in 2-3 meetings over the course of the next 3 months or so. I think the statutory procedures for requests, costs, response time, search and collection, and many of the exemptions and confidentiality exclusions are well crafted and would work well for court records. If this project leads where I believe it will, the court, and eventually the public, would benefit from your office's expertise in this area as we re-write our open records rule to harmonize it with Chapter 44-04. Thank you for your assistance with this and please let me know if your office has someone willing and able to assist us with this. You can also reach me on my cell phone at [redacted] if you'd like to discuss further. Jerod **Jerod E. Tufte** Justice - North Dakota Supreme Court

Record 440

Sender Name	Judd Stone
Sender Email	judd.stone@oag.texas.gov
Recipients	Benjamin.Flowers@ohioago.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:59:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:59:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:59:16.000 PM

Body

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This sounds good to me—good luck, Ben.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, December 22, 2021 5:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
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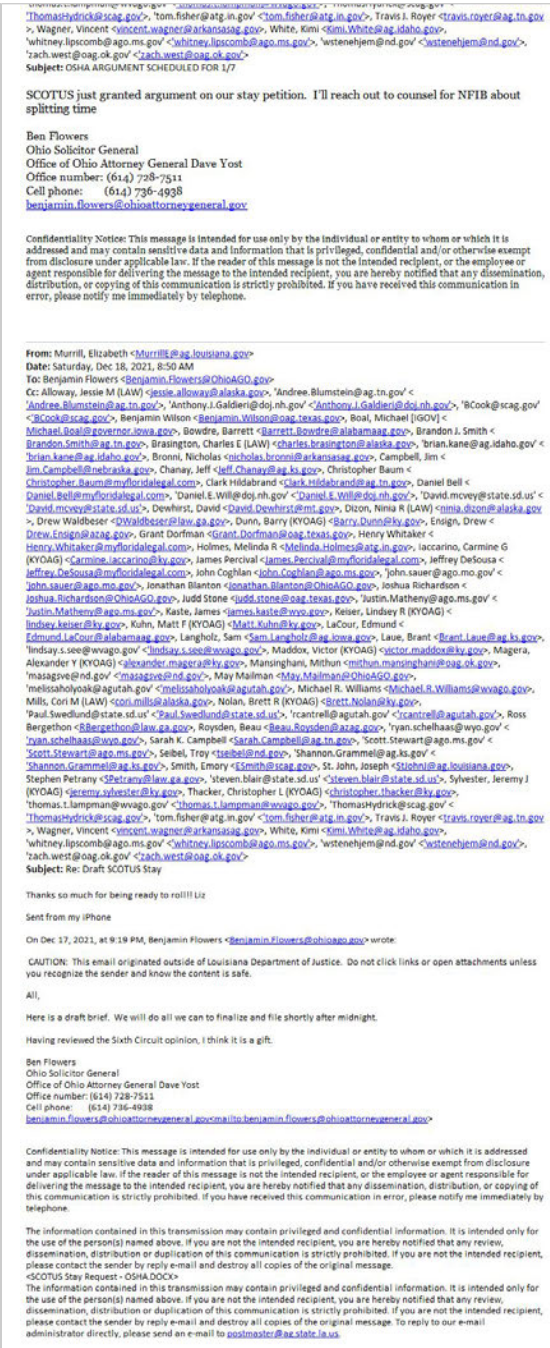
Body	

Record 441

Sender Name	Judd Stone
Sender Email	judd.stone@oag.texas.gov
Recipients	Benjamin.Flowers@ohioago.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
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Body	'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** OSHA ARGUMENT SCHEDULED FOR 1/7 **SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov **Confidentiality Notice:** This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. --- **From:** Murrill, Elizabeth <Murrille@ag.louisiana.gov> **Date:** Saturday, Dec 18, 2021, 8:50 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <James.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. <SCOTUS Stay Request - OSHA.DOCX> The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 442

Sender Name	Verleger, Jennifer L.
Sender Email	jverleger@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Wilkinson District Court Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:01:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:01:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:01:39.000 PM

Body	Wayne: We got an order prevailing in Wilkinson this afternoon from the district court, but are having trouble with the file size of the signed order. So attached is the unsigned version I submitted that Judge Jacobson adopted. Jen Jennifer Verleger, P.E. Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501 (701) 328-3537
CC	tseibel@nd.gov, lbrocker@nd.gov
Attachments	14282.pdf

Record 443

Sender Name	Verleger, Jennifer L.
Sender Email	jverleger@nd.gov
Recipients	sebyp@gtlaw.com, wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:51:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:51:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:51:52.000 PM

Body

Paul:

[redacted]

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, December 14, 2021 2:32 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

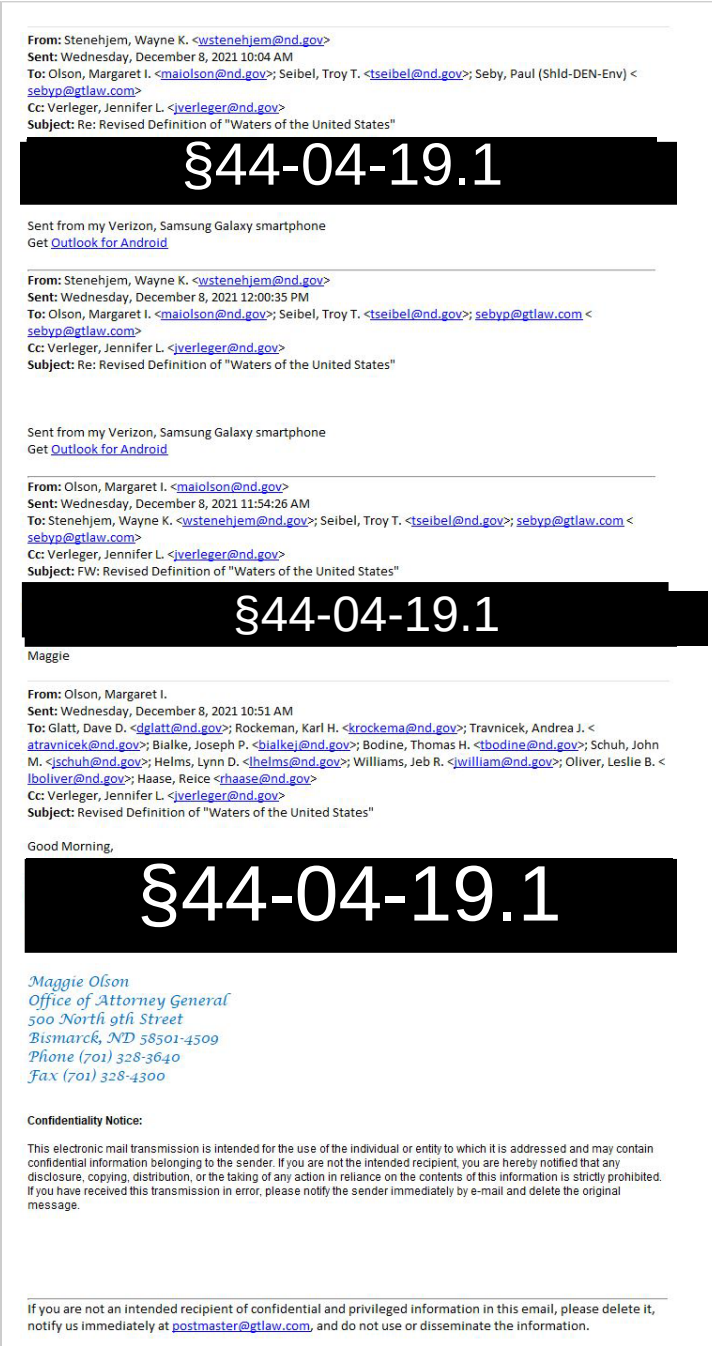
Wayne, Maggie & Jen-

§44-04-19.1

[redacted]

Paul

Paul M. Seby
Tel 303.572.6584

Body	

Record 444

Sender Name	Verleger, Jennifer L.
Sender Email	jverleger@nd.gov
Recipients	sebyp@gtlaw.com, wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:51:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:51:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:51:52.000 PM

Body

Paul:

§44-04-19.1

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, December 14, 2021 2:32 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne, Maggie & Jen-

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

Body	**From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 10:04 AM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 12:00:35 PM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 445

Sender Name	Verleger, Jennifer L.
Sender Email	jverleger@nd.gov
Recipients	jodi.smith@nd.gov, kmccusker@nd.gov, aotteson@nd.gov, acarranza@nd.gov, atravnicek@nd.gov, jpaczkowski@nd.gov, gheiser@nd.gov
Subject	FW: Notice of Appeal - Wilkinson, et al. v. Bd. of University and School Lands of the Stat e of N.D., Supreme Court No. 20220037
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:36:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:36:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:36:45.000 PM

Body	In a not so shocking turn of events, we were just served with a Notice of Appeal in Wilkinson. FYI. **From:** Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov> **Sent:** Wednesday, January 26, 2022 2:26 PM **To:** 'rbslitgroup@vogellaw.com' <rbslitgroup@vogellaw.com>; Joshua A. Swanson <jswanson@vogellaw.com> **Cc:** 'lbender@fredlaw.com' <lbender@fredlaw.com>; 'dslitteam@bkmpc.com' <dslitteam@bkmpc.com>; Verleger, Jennifer L. <jverleger@nd.gov>; 'crosas@rosasplic.com' <crosas@rosasplic.com>; Garner, David P. <dpgarner@nd.gov>; 'michael.mazzone@haynesboone.com' <michael.mazzone@haynesboone.com>; 'jward@zkslaw.com' <jward@zkslaw.com>; 'sptacek@fredlaw.com' <sptacek@fredlaw.com>; Rosselit, Ellen <ERosselit@ndcourts.gov>; Probst, Carolyn F. <CProbst@ndcourts.gov> **Subject:** Notice of Appeal - Wilkinson, et al. v. Bd. of University and School Lands of the State of N.D., Supreme Court No. 20220037 ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *SUPREME COURT OF NORTH DAKOTA* *OFFICE OF THE CLERK* *600 E Boulevard Avenue* *Bismarck, ND 58505-0530* *(701) 328-2221 (voice) (701) 328-4480 (fax)* *1-800-366-6888 (TTY)* *supclerkofcourt@ndcourts.gov* ***VIA E-MAIL ONLY*** January 26, 2022 Robert B. Stock Joshua A. Swanson 218 NP Ave. P.O. Box 1389 Fargo, ND 58107-1389 RE: Wilkinson, et al. v. Bd. of University and School Lands of the State of N.D. Supreme Court No. 20220037 Williams Co. No. 2012-CV-00038 I received the $125 filing fee and the Notice of Appeal in this matter which was filed on January 25, 2022. I am enclosing a receipt for the filing fee. This letter, along with the attached copy of the Notice of Appeal, will serve as the required notice under N.D.R.App.P. 3(d). This letter, the notice of appeal, any order for transcript(s), and the enclosed declaration of service will be filed in Odyssey. The clerk of the trial court shall certify the record on appeal to my office by March 26, 2022. The file indicates that a transcript has been ordered in this matter. When the order for transcript(s) is transmitted to the Court Reporter or Recorder by the Clerk of District Court, we will provide a deadline for the transcript. It appears transcripts have not been ordered for every party. **I trust all parties who can make an appearance in this appeal have been included in the Order for Transcript. If you have not done so, an amended order for transcript should be filed no later than January 28, 2022.** I note that in prior appeals of this case, several of the parties did not participate. If you are not participating, please notify our office and we will discontinue sending correspondence to you. All correspondence in this matter will be made by e-mail, including forwarding a copy of any orders or opinions filed. If we do not have an e-mail address for a party, all correspondence will be sent by U.S. Mail. Sincerely, /s/ Sarah Erck Deputy Clerk North Dakota Supreme Court attachments cc: David P. Garner Jennifer L. Verleger John E. Ward Lawrence Bender & Spencer D. Ptacek Michael J. Mazzone Christopher C. Rosas David D. Schweigert Ellen Rosselit, Court Recorder Carolyn Probst, Court Administrator Clerk of District Court copied via filing in Odyssey *This email and any transmitted files attached are intended solely for the use of the individual or entity to which they are addressed, and may be confidential under the law. If you have received this email in error please notify the originator of the message.*
CC	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov
Attachments	20220037_noa[16119].PDF, dec_serv_noa[16120].pdf, rec_filingfee[16121].pdf

Record 446

Sender Name	Verleger, Jennifer L.
Sender Email	jverleger@nd.gov
Recipients	jodi.smith@nd.gov, kmccusker@nd.gov, aotteson@nd.gov, acarranza@nd.gov, atravnicek@nd.gov, jpaczkowski@nd.gov, gheiser@nd.gov
Subject	FW: Notice of Appeal - Wilkinson, et al. v. Bd. of University and School Lands of the Stat e of N.D., Supreme Court No. 20220037
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:36:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:36:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:36:45.000 PM

Body	In a not so shocking turn of events, we were just served with a Notice of Appeal in Wilkinson. FYI. **From:** Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov> **Sent:** Wednesday, January 26, 2022 2:26 PM **To:** 'rbslitgroup@vogellaw.com' <rbslitgroup@vogellaw.com>; Joshua A. Swanson <jswanson@vogellaw.com> **Cc:** 'lbender@fredlaw.com' <lbender@fredlaw.com>; 'dslitteam@bkmpc.com' <dslitteam@bkmpc.com>; Verleger, Jennifer L. <jverleger@nd.gov>; 'crosas@rosasplic.com' <crosas@rosasplic.com>; Garner, David P. <dpgarner@nd.gov>; 'michael.mazzone@haynesboone.com' <michael.mazzone@haynesboone.com>; 'jward@zkslaw.com' <jward@zkslaw.com>; 'sptacek@fredlaw.com' <sptacek@fredlaw.com>; Rosselit, Ellen <ERosselit@ndcourts.gov>; Probst, Carolyn F. <CProbst@ndcourts.gov> **Subject:** Notice of Appeal - Wilkinson, et al. v. Bd. of University and School Lands of the State of N.D., Supreme Court No. 20220037 ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *SUPREME COURT OF NORTH DAKOTA* *OFFICE OF THE CLERK* *600 E Boulevard Avenue* *Bismarck, ND 58505-0530* *(701) 328-2221 (voice) (701) 328-4480 (fax)* *1-800-366-6888 (TTY)* *supclerkofcourt@ndcourts.gov* ***VIA E-MAIL ONLY*** January 26, 2022 Robert B. Stock Joshua A. Swanson 218 NP Ave. P.O. Box 1389 Fargo, ND 58107-1389 RE: Wilkinson, et al. v. Bd. of University and School Lands of the State of N.D. Supreme Court No. 20220037 Williams Co. No. 2012-CV-00038 I received the $125 filing fee and the Notice of Appeal in this matter which was filed on January 25, 2022. I am enclosing a receipt for the filing fee. This letter, along with the attached copy of the Notice of Appeal, will serve as the required notice under N.D.R.App.P. 3(d). This letter, the notice of appeal, any order for transcript(s), and the enclosed declaration of service will be filed in Odyssey. The clerk of the trial court shall certify the record on appeal to my office by March 26, 2022. The file indicates that a transcript has been ordered in this matter. When the order for transcript(s) is transmitted to the Court Reporter or Recorder by the Clerk of District Court, we will provide a deadline for the transcript. It appears transcripts have not been ordered for every party. **I trust all parties who can make an appearance in this appeal have been included in the Order for Transcript. If you have not done so, an amended order for transcript should be filed no later than January 28, 2022.** I note that in prior appeals of this case, several of the parties did not participate. If you are not participating, please notify our office and we will discontinue sending correspondence to you. All correspondence in this matter will be made by e-mail, including forwarding a copy of any orders or opinions filed. If we do not have an e-mail address for a party, all correspondence will be sent by U.S. Mail. Sincerely, /s/ Sarah Erck Deputy Clerk North Dakota Supreme Court attachments cc: David P. Garner Jennifer L. Verleger John E. Ward Lawrence Bender & Spencer D. Ptacek Michael J. Mazzone Christopher C. Rosas David D. Schweigert Ellen Rosselit, Court Recorder Carolyn Probst, Court Administrator Clerk of District Court copied via filing in Odyssey *This email and any transmitted files attached are intended solely for the use of the individual or entity to which they are addressed, and may be confidential under the law. If you have received this email in error please notify the originator of the message.*
CC	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov
Attachments	20220037_noa[12764].PDF, dec_serv_noa[12765].pdf, rec_filingfee[12766].pdf

Record 447

Sender Name	Karen White
Sender Email	karen.white@agalliance.org
Recipients	wstenehjem@nd.gov
Subject	FW: CWAG AG Home Addresses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:36:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:36:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:36:17.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance **From:** Karen White <karen.white@agalliance.org> **Date:** Monday, December 7, 2020 at 1:53 PM **To:** Wayne Stenehjem <wstenehjem@nd.gov> **Cc:** Wayne Stenehjem <wstenehjem@nd.gov> **Subject:** CWAG AG Home Addresses Updated this morning to include any recent changes. **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance
Attachments	AGHomeAddress-2020[16016].xlsx, image001[14284].png, image002[14285].png, image003[14286].png, image004[14287].png, image005[14288].png, image006[14289].png, image007[14290].png, image008[14291].png

Record 448

Sender Name	Karen White
Sender Email	karen.white@agalliance.org
Recipients	wstenehjem@nd.gov
Subject	Re: CWAG AG Home Addresses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:33:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:33:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:33:41.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Tegan White §44-04-18.21 I will get Treg's this morning Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 14, 2021 7:31:08 AM **To:** Karen White <karen.white@agalliance.org> **Subject:** RE: CWAG AG Home Addresses Do you have a home address for Treg Taylor? Also for Tegan? Wayne **From:** Karen White <karen.white@agalliance.org> **Sent:** Friday, December 10, 2021 4:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CWAG AG Home Addresses ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance **From:** Karen White <karen.white@agalliance.org> **Date:** Monday, December 7, 2020 at 1:53 PM **To:** Wayne Stenehjem <wstenehjem@nd.gov> **Cc:** Wayne Stenehjem <wstenehjem@nd.gov> **Subject:** CWAG AG Home Addresses Updated this morning to include any recent changes. **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance
Attachments	image001[14625].png, image002[14626].png, image003[14627].png, image004[14628].png, image005[14629].png, image006[14630].png, image007[14631].png, image008[14632].png

Record 449

Sender Name	Karen White
Sender Email	karen.white@agalliance.org
Recipients	wstenehjem@nd.gov
Subject	Re: CWAG AG Home Addresses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:33:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:33:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:33:41.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Tegan White §44-04-18.21 I will get Treg's this morning Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 14, 2021 7:31:08 AM **To:** Karen White <karen.white@agalliance.org> **Subject:** RE: CWAG AG Home Addresses Do you have a home address for Treg Taylor? Also for Tegan? Wayne **From:** Karen White <karen.white@agalliance.org> **Sent:** Friday, December 10, 2021 4:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CWAG AG Home Addresses ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance **From:** Karen White <karen.white@agalliance.org> **Date:** Monday, December 7, 2020 at 1:53 PM **To:** Wayne Stenehjem <wstenehjem@nd.gov> **Cc:** Wayne Stenehjem <wstenehjem@nd.gov> **Subject:** CWAG AG Home Addresses Updated this morning to include any recent changes. **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance
Attachments	image001[11172].png, image002[11173].png, image003[11174].png, image004[11175].png, image005[11176].png, image006[11177].png, image007[11178].png, image008[11179].png

Record 450

Sender Name	Baesler, Kirsten K.
Sender Email	kbaesler@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: ND Head Start Association Call to Action
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:19:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:19:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:19:11.000 PM

Body	Get Outlook for iOS **From:** Allison Marie Driessen <Allison.Driessen@k12.nd.us> **Sent:** Wednesday, December 15, 2021 11:38:52 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** ND Head Start Association Call to Action ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Superintendent Bassler- I cannot thank you enough for being a Head Start Champion! I have attached the Head Start Call to Action for you to pass along to the Attorney General. As always, I am here to assist in any way possible with your vision of education. Have a wonderful Christmas! **Allison Driessen** **Early Explorers Head Start & Early Head Start** **301 14th St NW** **Devils Lake, ND 58301** **701-665-4431**
Attachments	15999.pdf

Record 451

Sender Name	Baesler, Kirsten K.
Sender Email	kbaesler@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: ND Head Start Association Call to Action
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:19:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:19:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:19:11.000 PM
Body	Get Outlook for iOS **From:** Allison Marie Driessen <Allison.Driessen@k12.nd.us> **Sent:** Wednesday, December 15, 2021 11:38:52 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** ND Head Start Association Call to Action ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Superintendent Bassler- I cannot thank you enough for being a Head Start Champion! I have attached the Head Start Call to Action for you to pass along to the Attorney General. As always, I am here to assist in any way possible with your vision of education. Have a wonderful Christmas! **Allison Driessen** **Early Explorers Head Start & Early Head Start** **301 14th St NW** **Devils Lake, ND 58301** **701-665-4431**
Attachments	12641.pdf

Record 452

Sender Name	Baesler, Kirsten K.
Sender Email	kbaesler@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Vaccine 1-pager
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:54:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:54:27.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:54:32.000 PM
Body	Wayne, Additional information that may be helpful. Kirsten **Kirsten Baesler** State Superintendent 600 E. Boulevard Ave., Dept. 201 Bismarck, ND 58505-0440 (701) 328-4570 kbaesler@nd.gov www.nd.gov/dpi **From:** Kueber, Carolyn J. <cjkueber@nd.gov> **Sent:** Wednesday, December 15, 2021 3:52 PM **To:** Larson, Kay L. <kaylarson@nd.gov>; Thomasson, Jessica A. <jthomasson@nd.gov>; Jones, Chris D. <cdjones@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** FW: Vaccine 1-pager FYI – regarding Head Start and the estimated impact the vaccine and mask mandate will have. Carolyn J Kueber ND Head Start Collaboration Administrator 701.328.1640 • cjkueber@nd.gov • DHS Home Page ----------Confidentiality Statement---------- This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you. **From:** Mitchell, Kent <kmitchell@nhsa.org> **Sent:** Wednesday, December 15, 2021 11:26 AM **To:** 2021 Collaboration Directors Email List <2021-collaboration-directors-email-list@nhsa.org> **Subject:** Vaccine 1-pager ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *Apologies for re-sending (sent to an old email list).* *Please see the original message below.* Collaboration Directors - I believe you might be meeting with OHS soon (tomorrow?) to discuss the vaccine/mask mandate. NHSA is preparing comments to the interim rule and I wanted to share some recent data we pulled together (attached). Thank you, Kent -- Kent Mitchell | Senior Director of State Affairs | kmitchell@nhsa.org | 703-739-7561 | cell: 857-998-0926 -- You received this message because you are subscribed to the Google Groups "2021 Collaboration Directors Email List" group. To unsubscribe from this group and stop receiving emails from it, send an email to 2021-collaboration-directors-email-list+unsubscribe@nhsa.org. To view this discussion on the web visit https://groups.google.com/a/nhsa.org/d/msgid/2021-collaboration-directors-email-list/CAPk7WSO3fCE1W8xDzwsFei5Hd%2Bz%2BL%3DUq0J%2Bgc-n7Uad8mGxCPw%40mail.gmail.com. For more options, visit https://groups.google.com/a/nhsa.org/d/optout.
Attachments	15987.pdf, image001[14762].png, image002[14763].png, image003[14764].png

Record 453

Sender Name	Baesler, Kirsten K.
Sender Email	kbaesler@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Vaccine 1-pager
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:54:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:54:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:54:32.000 PM

Body	Wayne, Additional information that may be helpful. Kirsten **Kirsten Baesler** State Superintendent 600 E. Boulevard Ave., Dept. 201 Bismarck, ND 58505-0440 (701) 328-4570 kbaesler@nd.gov www.nd.gov/dpi **From:** Kueber, Carolyn J. <cjkueber@nd.gov> **Sent:** Wednesday, December 15, 2021 3:52 PM **To:** Larson, Kay L. <kaylarson@nd.gov>; Thomasson, Jessica A. <jthomasson@nd.gov>; Jones, Chris D. <cdjones@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** FW: Vaccine 1-pager FYI – regarding Head Start and the estimated impact the vaccine and mask mandate will have. Carolyn J Kueber ND Head Start Collaboration Administrator 701.328.1640 • cjkueber@nd.gov • DHS Home Page ----------Confidentiality Statement---------- This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you. **From:** Mitchell, Kent <kmitchell@nhsa.org> **Sent:** Wednesday, December 15, 2021 11:26 AM **To:** 2021 Collaboration Directors Email List <2021-collaboration-directors-email-list@nhsa.org> **Subject:** Vaccine 1-pager ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *Apologies for re-sending (sent to an old email list).* *Please see the original message below.* Collaboration Directors - I believe you might be meeting with OHS soon (tomorrow?) to discuss the vaccine/mask mandate. NHSA is preparing comments to the interim rule and I wanted to share some recent data we pulled together (attached). Thank you, Kent -- Kent Mitchell | Senior Director of State Affairs | kmitchell@nhsa.org | 703-739-7561 | cell: 857-998-0926 -- You received this message because you are subscribed to the Google Groups "2021 Collaboration Directors Email List" group. To unsubscribe from this group and stop receiving emails from it, send an email to 2021-collaboration-directors-email-list+unsubscribe@nhsa.org. To view this discussion on the web visit https://groups.google.com/a/nhsa.org/d/msgid/2021-collaboration-directors-email-list/CAPk7WSO3fCE1W8xDzwsFei5Hd%2Bz%2BL%3DUq0J%2Bgc-n7Uad8mGxCPw%40mail.gmail.com. For more options, visit https://groups.google.com/a/nhsa.org/d/optout.
Attachments	12629.pdf, image001[11304].png, image002[11305].png, image003[11306].png

Record 454

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: NDMill November2021 Financials / Income statement Summary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:45:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:45:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:45:27.000 PM

Body	For your information – No action is required. Karlene **From:** Becky Boman <bboman@NDMILL.com> **Sent:** Thursday, December 23, 2021 1:42 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** NDMill November2021 Financials / Income statement Summary ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good Afternoon, I have attached the NDM November 2021 Financials and the Income Statement Summary If you have any questions or need anything else, please let me know. Thank you and Merry Christmas to you and your family. Becky Boman Administrative Assistant North Dakota State Mill 701-795-7297 bboman@ndmill.com
Attachments	0939_001[15953].pdf, FinacialsNov[15952].docx, image003[14974].jpg

Record 455

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: NDMill November2021 Financials / Income statement Summary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:45:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:45:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:45:27.000 PM
Body	For your information – No action is required. Karlene **From:** Becky Boman <bboman@NDMILL.com> **Sent:** Thursday, December 23, 2021 1:42 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** NDMill November2021 Financials / Income statement Summary ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good Afternoon, I have attached the NDM November 2021 Financials and the Income Statement Summary If you have any questions or need anything else, please let me know. Thank you and Merry Christmas to you and your family. Becky Boman Administrative Assistant North Dakota State Mill 701-795-7297 bboman@ndmill.com
Attachments	0939_001[12590].pdf, FinacialsNov[12589].docx, image003[11535].jpg

Record 456

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: NEWS: Housing Finance Agency ranked a Tier 1 FHA loan servicer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:38:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:38:56.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:38:57.000 PM
Body	In case you didn't get a copy of this. Congratulations to HFA. Karlene Sent from Mail for Windows **From:** Mudder, Sarah L. **Sent:** Monday, January 3, 2022 2:06 PM **Subject:** NEWS: Housing Finance Agency ranked a Tier 1 FHA loan servicer **For Immediate Release** Jan. 3, 2022 MEDIA CONTACT **Sarah Mudder** Communication Coordinator (701) 328-8056 or smudder@nd.gov **Housing Finance Agency ranked a Tier 1 FHA loan servicer** BISMARCK, ND – North Dakota Housing Finance Agency (NDHFA) was ranked a Tier 1 Federal Housing Administration (FHA) loan servicer for FY 2021 by the U.S. Department of Housing and Urban Development's (HUD) National Servicing Center. "North Dakota Housing Finance Agency provides affordable home financing including government-backed loans that help individuals and families with modest incomes buy a home with as little as $500 down," said Dave Flohr, the agency's executive director. Loan guarantees reimburse lenders for their loss in the event that a homeowner defaults. Of the nearly 11,000 loans NDHFA currently services, 48 percent are FHA guaranteed. Loan servicers receive quarterly scores that are averaged to produce a final fiscal year-end score. NDHFA's FY2021 score is 93.53 percent, up from 91.81 the previous year. The agency was one of 297 loan servicers ranked as Tier 1 for FY2021. There were 801 FHA servicers nationwide. The ranking system measures FHA servicer compliance with guidelines and intervention requirements, loss mitigation engagement, and reporting. The intention of the ranking is to protect borrowers and alert HUD to potential problems. A high work-out ratio shows a servicer's effectiveness in working with delinquent borrowers to keep them out of foreclosure. The National Servicing Center has ranked NDHFA a Tier 1 servicer for four years running. NDHFA has serviced its own mortgage loans for 30 years. The agency also services loans for Bank of North Dakota and local nonprofit housing providers. A self-supporting and mission-driven agency, NDHFA is dedicated to making housing affordable for all North Dakotans. The North Dakota Industrial Commission, consisting of Governor Doug Burgum as chairman, Agriculture Commissioner Doug Goehring and Attorney General Wayne Stenehjem, oversees the agency. More information about NDHFA is available online at www.ndhfa.org. - 30 -
Attachments	5807B35397E346788AA57DB54BEA04C2[15034].png, image001[15033].png

Record 457

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: NEWS: Housing Finance Agency ranked a Tier 1 FHA loan servicer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:38:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:38:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 2:38:57.000 PM

Body	In case you didn't get a copy of this. Congratulations to HFA. Karlene Sent from Mail for Windows **From:** Mudder, Sarah L. **Sent:** Monday, January 3, 2022 2:06 PM **Subject:** NEWS: Housing Finance Agency ranked a Tier 1 FHA loan servicer **For Immediate Release** Jan. 3, 2022 MEDIA CONTACT **Sarah Mudder** Communication Coordinator (701) 328-8056 or smudder@nd.gov **Housing Finance Agency ranked a Tier 1 FHA loan servicer** BISMARCK, ND – North Dakota Housing Finance Agency (NDHFA) was ranked a Tier 1 Federal Housing Administration (FHA) loan servicer for FY 2021 by the U.S. Department of Housing and Urban Development's (HUD) National Servicing Center. "North Dakota Housing Finance Agency provides affordable home financing including government-backed loans that help individuals and families with modest incomes buy a home with as little as $500 down," said Dave Flohr, the agency's executive director. Loan guarantees reimburse lenders for their loss in the event that a homeowner defaults. Of the nearly 11,000 loans NDHFA currently services, 48 percent are FHA guaranteed. Loan servicers receive quarterly scores that are averaged to produce a final fiscal year-end score. NDHFA's FY2021 score is 93.53 percent, up from 91.81 the previous year. The agency was one of 297 loan servicers ranked as Tier 1 for FY2021. There were 801 FHA servicers nationwide. The ranking system measures FHA servicer compliance with guidelines and intervention requirements, loss mitigation engagement, and reporting. The intention of the ranking is to protect borrowers and alert HUD to potential problems. A high work-out ratio shows a servicer's effectiveness in working with delinquent borrowers to keep them out of foreclosure. The National Servicing Center has ranked NDHFA a Tier 1 servicer for four years running. NDHFA has serviced its own mortgage loans for 30 years. The agency also services loans for Bank of North Dakota and local nonprofit housing providers. A self-supporting and mission-driven agency, NDHFA is dedicated to making housing affordable for all North Dakotans. The North Dakota Industrial Commission, consisting of Governor Doug Burgum as chairman, Agriculture Commissioner Doug Goehring and Attorney General Wayne Stenehjem, oversees the agency. More information about NDHFA is available online at www.ndhfa.org. - 30 -
Attachments	5807B35397E346788AA57DB54BEA04C2[11634].png, image001[11633].png

Record 458

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Proposed Jan 2022 Agenda Item ; Review of NDIC , DEQ, and Trust Land Reclam ation Protocols
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:32:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:32:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:32:41.000 PM

Body	For your information in case you hear directly from Mr. Dooley that he was not granted time on the January IC agenda. Karlene -----Original Message----- From: Fine, Karlene K. Sent: Tuesday, January 4, 2022 5:31 PM To: Fintan Dooley <findooley@gmail.com> Cc: Helms, Lynn D. <lhelms@nd.gov>; Haarsager, Katie A. <kahaarsager@nd.gov>; Glatt, Dave D. <dglatt@nd.gov>; Smith, Jodi <jodi.smith@nd.gov> Subject: RE: Proposed Jan 2022 Agenda Item ; Review of NDIC , DEQ, and Trust Land Reclamation Protocols Mr. Dooley - This is to acknowledge receipt of your December 22, 2021 e-mail. Please note that the Industrial Commission does not have jurisdiction over the Department of Environmental Quality or the North Dakota Trust Lands so this response does not relate to those agencies. The Industrial Commission meets once a month to consider recommendations and reports from the agencies that are under the Commission's jurisdiction. The meeting agendas are based on recommendations from those agencies. The Commission only considers proposals that have been reviewed and considered by an Industrial Commission agency. It appears from your e-mail that your topic is reclamation. The only Industrial Commission agency that deals directly with reclamation is the Department of Mineral Resources. I would suggest you submit a written proposal to the Department of Mineral Resources, Oil and Gas Division. The Oil and Gas Division makes quarterly reports to the Industrial Commission. After reviewing your proposal the Oil and Gas Division may have recommendations for the Commission's consideration. Those recommendations might be included on an Industrial Commission agenda along with a very brief presentation of your proposal by a member of the Salted Land and Water Council in conjunction with one of those quarterly reports. Best wishes for the New Year. Karlene -----Original Message----- From: Fintan Dooley <findooley@gmail.com> Sent: Wednesday, December 22, 2021 10:48 PM To: Fine, Karlene K. <kfine@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Glatt, Dave D. <dglatt@nd.gov> Cc: Lynn Helms Katie Harsager <cvanderbusch@nd.gov>; Donny Nelson 82 <donelson@ruggedwest.com>; Marvin Nelson Rep salted Lands <oilsakakawea@gmail.com>; Paul 64 G Neilan Fam 61 <pgneilan@energy.law.pro>; Dalrymple, Amy <Amy.Dalrymple@bismarcktribune.com>; FracTracker Alliance Ted Auch <auch@fractracker.org>; NWLA Kenton Onstad 45 Richard Johnson 40 Patty Jensen 17 Myron hanson 36 & 86 Troy Kuhn 58 <konstad@rtc.coop>; Troy Coons 58 Amy Sheldon Ex Dir 46 <troynwla@gmail.com>; Troy Coons 58 Amy Sheldon Ex Dir 46 <kingd@restel.net>; NWLA Galen Peterson Ex Dir Amy Shelton 46 <northwestlandownersassociation@gmail.com>; Kerry Sublette Bert Fischer <kerry-sublette@utulsa.edu>; Kerry Sublette Bert Fischer <bfisher@lithochim.com>; Fugui Wang A+ <fwang@res.us>; Trust professor Melissa Scanlon <scanlan.mk@gmail.com>; Dennis Grzezinski Extention 1 <dennisglaw@gmail.com> Subject: Proposed Jan 2022 Agenda Item ; Review of NDIC , DEQ, and Trust Land Reclamation Protocols ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** > Dear Ms. Karlene Fine, Mr. David Glatt, Ms. Jodi Smith, > > I wish you and your teams a Merry Christmas and request the above topic be added to the January 27, 2022 North Dakota Industrial Commission Meeting Agenda. > > On behalf of the Salted Land and Water Council , I respectfully suggest that the State of North Dakota ; > > 1. adopt reclamation best practices; > > 2. search for acres where reclamation already undertaken has failed ; and > > 3. search for and count all other acres in need of restoration of soil productivity. This should include salted lands, abandoned facilities , and junkyards. > Please allow us at lease an hour to explain the failure patterns of your agencies and how continuing present practices is a breach of your Police Power and Public Trust Duties. > Sy, > > Fintan Dooley > 414-731-0520 > Sent from my iPhone

Record 459

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Proposed Jan 2022 Agenda Item ; Review of NDIC , DEQ, and Trust Land Reclamation Protocols
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:32:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:32:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 5:32:41.000 PM

Body	For your information in case you hear directly from Mr. Dooley that he was not granted time on the January IC agenda. Karlene -----Original Message----- From: Fine, Karlene K. Sent: Tuesday, January 4, 2022 5:31 PM To: Fintan Dooley <findooley@gmail.com> Cc: Helms, Lynn D. <lhelms@nd.gov>; Haarsager, Katie A. <kahaarsager@nd.gov>; Glatt, Dave D. <dglatt@nd.gov>; Smith, Jodi <jodi.smith@nd.gov> Subject: RE: Proposed Jan 2022 Agenda Item ; Review of NDIC , DEQ, and Trust Land Reclamation Protocols Mr. Dooley - This is to acknowledge receipt of your December 22, 2021 e-mail. Please note that the Industrial Commission does not have jurisdiction over the Department of Environmental Quality or the North Dakota Trust Lands so this response does not relate to those agencies. The Industrial Commission meets once a month to consider recommendations and reports from the agencies that are under the Commission's jurisdiction. The meeting agendas are based on recommendations from those agencies. The Commission only considers proposals that have been reviewed and considered by an Industrial Commission agency. It appears from your e-mail that your topic is reclamation. The only Industrial Commission agency that deals directly with reclamation is the Department of Mineral Resources. I would suggest you submit a written proposal to the Department of Mineral Resources, Oil and Gas Division. The Oil and Gas Division makes quarterly reports to the Industrial Commission. After reviewing your proposal the Oil and Gas Division may have recommendations for the Commission's consideration. Those recommendations might be included on an Industrial Commission agenda along with a very brief presentation of your proposal by a member of the Salted Land and Water Council in conjunction with one of those quarterly reports. Best wishes for the New Year. Karlene -----Original Message----- From: Fintan Dooley <findooley@gmail.com> Sent: Wednesday, December 22, 2021 10:48 PM To: Fine, Karlene K. <kfine@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Glatt, Dave D. <dglatt@nd.gov> Cc: Lynn Helms Katie Harsager <cvanderbusch@nd.gov>; Donny Nelson 82 <donelson@ruggedwest.com>; Marvin Nelson Rep salted Lands <oilsakakawea@gmail.com>; Paul 64 G Neilan Fam 61 <pgneilan@energy.law.pro>; Dalrymple, Amy <Amy.Dalrymple@bismarcktribune.com>; FracTracker Alliance Ted Auch <auch@fractracker.org>; NWLA Kenton Onstad 45 Richard Johnson 40 Patty Jensen 17 Myron hanson 36 & 86 Troy Kuhn 58 <konstad@rtc.coop>; Troy Coons 58 Amy Sheldon Ex Dir 46 <troynwla@gmail.com>; Troy Coons 58 Amy Sheldon Ex Dir 46 <kingd@restel.net>; NWLA Galen Peterson Ex Dir Amy Shelton 46 <northwestlandownersassociation@gmail.com>; Kerry Sublette Bert Fischer <kerry-sublette@utulsa.edu>; Kerry Sublette Bert Fischer <bfisher@lithochim.com>; Fugui Wang A+ <fwang@res.us>; Trust professor Melissa Scanlon <scanlan.mk@gmail.com>; Dennis Grzezinski Extention 1 <dennisglaw@gmail.com> Subject: Proposed Jan 2022 Agenda Item ; Review of NDIC , DEQ, and Trust Land Reclamation Protocols ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** > Dear Ms. Karlene Fine, Mr. David Glatt, Ms. Jodi Smith, > > I wish you and your teams a Merry Christmas and request the above topic be added to the January 27, 2022 North Dakota Industrial Commission Meeting Agenda. > > On behalf of the Salted Land and Water Council , I respectfully suggest that the State of North Dakota ; > > 1. adopt reclamation best practices; > > 2. search for acres where reclamation already undertaken has failed ; and > > 3. search for and count all other acres in need of restoration of soil productivity. This should include salted lands, abandoned facilities , and junkyards. > Please allow us at lease an hour to explain the failure patterns of your agencies and how continuing present practices is a breach of your Police Power and Public Trust Duties. > Sy, > > Fintan Dooley > 414-731-0520 > Sent from my iPhone

Record 460

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:49:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:49:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:49:01.000 AM
Body	Wayne – Do you have time for a brief visit today? Name the time....Karlene

Record 461

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov

Recipients	wstenehjem@nd.gov
Subject	10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:49:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:49:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:49:01.000 AM
Body	Wayne – Do you have time for a brief visit today? Name the time….Karlene

Record 462

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: 10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:55.000 PM
Body	Perfect. Thanks for your flexibility. Karlene Sent from Mail for Windows **From:** Stenehjem, Wayne K. **Sent:** Wednesday, January 5, 2022 12:44 PM **To:** Fine, Karlene K. **Subject:** RE: 10 minutes Say 3? **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 12:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: 10 minutes Oops. Just got a call…..Can we do it after 2:30 p.m.? Karlene **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** RE: 10 minutes Will 1:15 work for you? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 11:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 minutes Wayne – Do you have time for a brief visit today? Name the time….Karlene

Record 463

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: 10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:55.000 PM

Body	Perfect. Thanks for your flexibility. Karlene Sent from Mail for Windows **From:** Stenehjem, Wayne K. **Sent:** Wednesday, January 5, 2022 12:44 PM **To:** Fine, Karlene K. **Subject:** RE: 10 minutes Say 3? **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 12:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: 10 minutes Oops. Just got a call…..Can we do it after 2:30 p.m.? Karlene **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** RE: 10 minutes Will 1:15 work for you? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 11:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 minutes Wayne – Do you have time for a brief visit today? Name the time….Karlene

Record 464

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	CSS Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:36:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:36:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:36:35.000 PM
Body	Wayne – At the meeting you asked for a copy of the document that Lynn was reading from regarding the Minnkota project being in the top ten worldwide. Attached is a scanned copy of that report. Karlene
Attachments	15847.pdf

Record 465

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	CSS Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:36:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:36:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:36:35.000 PM
Body	Wayne – At the meeting you asked for a copy of the document that Lynn was reading from regarding the Minnkota project being in the top ten worldwide. Attached is a scanned copy of that report. Karlene
Attachments	12484.pdf

Record 466

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov

Recipients	wstenehjem@nd.gov
Subject	short visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:15:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:15:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:15:49.000 PM
Body	Wayne – Are you in today? Do you have 5 minutes if I could stop down? Karlene

Record 467

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	short visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:15:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:15:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:15:49.000 PM
Body	Wayne – Are you in today? Do you have 5 minutes if I could stop down? Karlene

Record 468

Sender Name	Fine, Karlene K.
Sender Email	kfine@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Final Copy
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 5:26:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 5:26:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 5:26:57.000 PM
Body	I received confirmation this afternoon that the attached bargaining agreement had been ratified. I do not have any details on the vote. If you have questions, please give me a call. Karlene **From:** Vance Taylor <VTaylor@NDMILL.com> **Sent:** Wednesday, January 26, 2022 1:15 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** FW: Final Copy ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Karlene, Attached is the stipulation of agreement that will be voted on tomorrow by the union employees. We should know the outcome by about 5 PM. Thanks for the help on this. Vance **From:** Cathy Dub <cdub@NDMILL.com> **Sent:** Wednesday, January 26, 2022 1:08 PM **To:** Tamra Srnsky <tsrnsky@NDMILL.com>; Vance Taylor <VTaylor@NDMILL.com> **Subject:** Final Copy ***Cathy Dub*** Chief Financial Officer North Dakota Mill & Elevator Office 701.795.7232 Cell 701.213.0142 Fax 701.795.7272 cdub@ndmill.com
Attachments	12786.pdf, image001[12785].png

Record 469

Sender Name	Helm, Kerrie L.
Sender Email	khelm@nd.gov
Recipients	agall@nd.gov
Subject	FW: Winners of the COSE Christmas Giveaway
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 2:35:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 2:35:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 2:35:16.000 PM
Body	Congratulations Crystal! *Kerrie* **From:** -Info-Management & Budget <omb@nd.gov> **Sent:** Wednesday, December 15, 2021 1:52 PM **To:** -Info-All Agencies <info@nd.gov> **Cc:** LaBree, Heidi M. <hmlabree@nd.gov>; Schauer, Desray <dlschauer@nd.gov>; Scherr, Tanya L. <tanyalscherr@nd.gov>; Scholl, Annette R. <ascholl@nd.gov>; Pringle, Erin <epringle@nd.gov>; Hopkins, Danelle <dhopkins@nd.gov>; Fetterman, Kelsey M. <kfetterman@nd.gov>; Senger, Denise M. <dsenger@nd.gov>; Schwab, Jill L. <jilschwab@nd.gov>; Glasser, Laura E. <leglasser@nd.gov>; Schneider, Betty L. <schneider@nd.gov>; Beto, Rhea <rbeto@nd.gov>; Rosenkranz, Rebecca J. <rrosenkr@nd.gov>; Miller, Miranda D. <midmiller@nd.gov>; Kopp, Missy <mikopp@nd.gov>; Eisenbeis, LaDawn R. <lreisenbeis@nd.gov>; Kriege, Rachel F. <rkriege@nd.gov>; Huber, Lynne M. <lhuber@nd.gov>; Helm, Kerrie L. <khelm@nd.gov>; Hogue, Trudi L. <tlhogue@nd.gov>; Harrison, Larissa D. <lharrison@nd.gov>; caitlin.magilke <caitlin.magilke@bismarckstate.edu>; Dillman, Mary J. <mjdillman@nd.gov>; Kjos, Sara J. <skjos@nd.gov> **Subject:** Winners of the COSE Christmas Giveaway Please share with all your employees. Winners, please contact me about your prizes if you are unable to pick them up at my desk on the 4th floor of the Capital. Renee Nelson Bismarck – Mandan Council of State Employees
Attachments	image002[14721].png, image003[14722].png

Record 470

Sender Name	Helm, Kerrie L.
Sender Email	khelm@nd.gov
Recipients	agall@nd.gov
Subject	FW: Winners of the COSE Christmas Giveaway
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 2:35:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 2:35:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 2:35:16.000 PM

Body	Congratulations Crystal! *Kerrie* **From:** -Info-Management & Budget <omb@nd.gov> **Sent:** Wednesday, December 15, 2021 1:52 PM **To:** -Info-All Agencies <info@nd.gov> **Cc:** LaBree, Heidi M. <hmlabree@nd.gov>; Schauer, Desray <dlschauer@nd.gov>; Scherr, Tanya L. <tanyalscherr@nd.gov>; Scholl, Annette R. <ascholl@nd.gov>; Pringle, Erin <epringle@nd.gov>; Hopkins, Danelle <dhopkins@nd.gov>; Fetterman, Kelsey M. <kfetterman@nd.gov>; Senger, Denise M. <dsenger@nd.gov>; Schwab, Jill L. <jilschwab@nd.gov>; Glasser, Laura E. <leglasser@nd.gov>; Schneider, Betty L. <schneider@nd.gov>; Beto, Rhea <rbeto@nd.gov>; Rosenkranz, Rebecca J. <rrosenkr@nd.gov>; Miller, Miranda D. <midmiller@nd.gov>; Kopp, Missy <mikopp@nd.gov>; Eisenbeis, LaDawn R. <lreisenbeis@nd.gov>; Kriege, Rachel F. <rkriege@nd.gov>; Huber, Lynne M. <lhuber@nd.gov>; Helm, Kerrie L. <khelm@nd.gov>; Hogue, Trudi L. <tlhogue@nd.gov>; Harrison, Larissa D. <lharrison@nd.gov>; caitlin.magilke <caitlin.magilke@bismarckstate.edu>; Dillman, Mary J. <mjdillman@nd.gov>; Kjos, Sara J. <skjos@nd.gov> **Subject:** Winners of the COSE Christmas Giveaway Please share with all your employees. Winners, please contact me about your prizes if you are unable to pick them up at my desk on the 4th floor of the Capital. Renee Nelson Bismarck – Mandan Council of State Employees
Attachments	image002[11247].png, image003[11248].png

Record 471

Sender Name	Balliet, Laura A.
Sender Email	lballiet@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Re: Mmmmmm!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:08.000 PM
Body	Have a great trip and a Merry Christmas as well! Sent from my iPhone. Apologies for any spelling errors. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 21, 2021 6:41:39 PM **To:** Balliet, Laura A. <lballiet@nd.gov> **Subject:** Mmmmmm! Yum. Knoefla soup for lunch AND for dinner! Merry Christmas! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 472

Sender Name	Balliet, Laura A.
Sender Email	lballiet@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Re: Mmmmmm!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:08.000 PM

Body	Have a great trip and a Merry Christmas as well! Sent from my iPhone. Apologies for any spelling errors. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 21, 2021 6:41:39 PM **To:** Balliet, Laura A. <lballiet@nd.gov> **Subject:** Mmmmmm! Yum. Knoefla soup for lunch AND for dinner! Merry Christmas! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 473

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	agall@nd.gov
Subject	Holidays
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 9:19:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 9:19:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 9:19:24.000 AM
Body	Several people have asked when the office will be closed over the holidays. As you know, we usually get ½ day off on December 24th and then the entire day of December 25th, but this year because December 25th is on Saturday, the state holiday is observed on December 24th. State agencies (including ours) will be closed all day on December 24 instead of a ½ day. Normal business hours December 20-23. As New Years' Day January 1st is on a Saturday this year, the holiday is observed on Friday December 31st, so all state agencies will be closed that day. Normal business hours December 27-30. Shannon will send out the usual "hours and holidays" reminder before the end of the month. Liz

Record 474

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	agcap17@nd.gov, agcap1@nd.gov, agcapgrd@nd.gov
Subject	FW: Carolers and upcoming events
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:26:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:26:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:26:46.000 AM

Body	FYI. Liz **From:** Larson, Kim A. <kilarson@nd.gov> **Sent:** Friday, December 10, 2021 10:24 AM **To:** -Info-All Agencies <info@nd.gov> **Subject:** Carolers and upcoming events Horizon Husky Singers *Friday, December 10, 2021 at 11:30 am - 12:00 pm* Memorial Hall Shiloh Christian Second Grade Caroling *Friday, December 17, 2021 at 12:40 pm - 01:00 pm* Memorial Hall Kim Larson *Administrative Assistant* *Human Resource Management Services (HRMS)* *State Procurement Office* *Capitol Complex Scheduling* 701.328.3293 • kilarson@nd.gov • www.nd.gov/omb Learner – Input – Responsibility – Empathy – Achiever
Attachments	image001[14255].png

Record 475

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 2:45:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 2:45:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 2:45:28.000 PM

Body

Jan indicated Scott would respond on behalf of both of them. Liz

---

From: Miller, Scott A. <scottmiller@nd.gov>
Sent: Friday, December 10, 2021 2:41 PM
To: Brocker, Liz <lbrocker@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>
Subject: RE: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Good Afternoon, Liz –

ERISA does not apply to our retirement plans except in limited circumstances, most of which involve requirements to maintain our plans' tax qualified status. While we would look to ERISA or ERISA case law in the absence of a specific state statute or case on a given topic, that, again, would typically be in regard to tax qualification issues rather than general investment guidelines. As such, I do not know that the proposed rule change would directly impact our plans or the investment of their monies.

Unfortunately, I do not have any historical knowledge on whether the NDPERS Board has previously endorsed or prohibited ESG considerations generally. When I was the SIB's attorney a lifetime ago, the SIB was opposed to ESG requirements because of the prudent investor rule and the exclusive benefit rule.

From a public pension industry perspective, I believe the contemplation of certain ESG considerations has become accepted as legitimate business and economic concerns, including some of those related to the topics on page 5 of the proposed letter. Nonetheless, neither the act of prohibiting nor the act of requiring those considerations would seem to be prudent. At the end of the day, I would argue the prudent investor rule and the exclusive benefit rule should be the guide, rather than a blanket requirement. That would, of course, require appropriate documentation of the evaluation and decision-making process.

Have a great weekend,

Scott

Scott A. Miller
Executive Director
North Dakota Public Employees Retirement System

North Dakota Public Employees Retirement System
Visit us at 1600 East Century Avenue | Suite 2 | Bismarck
Send mail to PO Box 1657 | Bismarck, ND 58502-1657
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P 701.328.3901 | **TF** 800.803.7377 | **F** 701.328.3920
email scottmiller@nd.gov | Find us on Facebook

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From: Brocker, Liz <lbrocker@nd.gov>
Sent: Friday, December 10, 2021 8:05 AM
To: Murtha, Janilyn <janilynmurtha@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>
Subject: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Per Wayne's request, please see attached. The deadline is Monday at 5pm our time! Liz

---

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, December 10, 2021 7:43 AM
To: Brocker, Liz <lbrocker@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>
Subject: FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Will you circulate this proposed letter to some of our client agencies for their input on this proposed comment letter, please.
Note the short turn-around time.
Wayne

From: Melissa Holyoak <melissaholyoak@agutah.gov>
Sent: Friday, December 10, 2021 12:52 AM
To: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <

Body	Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov>; Cecilia Lesmes <clesmes@agutah.gov> **Subject:** RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello All, Attached are a redline and clean version of the ERISA comments letter with some revisions. Many thanks to Arkansas and Idaho for already joining! Please reach out with any questions/comments. Thanks! Melissa **From:** Melissa Holyoak **Sent:** Wednesday, December 8, 2021 4:58 PM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov> **Subject:** ERISA ESG Comment Letter -- Deadline 12/13 at 3 pm ET Hello All, Attached is a draft comments letter in response to a revised DOL rule regarding ERISA plan sponsors' obligations relating to ESG investments. The letter argues that these investments are often misleading and administratively costly and should not be encouraged. The administration also does not provide justification for departure from the current rules that went into effect early 2021. The current rules clarify that only pecuniary factors can be considered when investing. **I apologize for the short turnaround but we need joins by Monday December 13 at 6 pm ET.** Also, please note that we worked with our state Treasurer on this letter. He is circulating to treasurers from other states to see if they would like to add their signatures. We welcome any feedback and if you have any questions or concerns, please do not hesitate to contact me. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	image001[14267].png

Record 476

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:07:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:07:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:07:21.000 PM

Body

From: Murtha, Janilyn <janilynmurtha@nd.gov>
Sent: Friday, December 10, 2021 3:03 PM
To: Brocker, Liz <lbrocker@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>
Subject: RE: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Liz,

I have little to add to Scott's response. One line in the brief I think best summarizes this issue and that is differentiating between making ESG factors determinative v. informative (cited below).

Much research has supported an argument that failure to consider such factors may not be prudent, but requiring that such factors be a determining factor in investment decision making runs contrary to the exclusive benefit rule. This rule is memorialized in several places in North Dakota Century Code and most recently with the passing of S.B.2291 (2021), and now found in NDCC 21-10-08.1. In short I fully concur with Scott that any ruling either prohibiting or requiring such considerations would be cause for concern and run contrary to generally accepted law surrounding a fiduciaries duty of prudence and loyalty.

From brief:
"In making ESG factors *determinative* rather than *informative*, the Proposed Rule breaks from the core, established, and essential fiduciary duty of prudence and loyalty to employees and beneficiaries under ERISA and confuses that clarity with competing duties of social policy engineering."

Jan Murtha
Executive Director
ND Retirement & Investment Office
1600 E. Century Avenue, Suite 3
P.O. Box 7100
Bismarck, ND 58507-7100

(701) 328-9895

RIO has moved! Our new location is within the Workforce Safety & Insurance Building at 1600 East Century Avenue, Suite 3. Our mailing address will remain unchanged at PO Box 7100. We look forward to sharing our new space with you!

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Friday, December 10, 2021 2:45 PM
To: Miller, Scott A. <scottmiller@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>
Subject: RE: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Thank you! I'll forward this to Wayne for review over the weekend.
Have a great weekend yourself. Liz

From: Miller, Scott A. <scottmiller@nd.gov>
Sent: Friday, December 10, 2021 2:41 PM
To: Brocker, Liz <lbrocker@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>
Subject: RE: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Good Afternoon, Liz –

ERISA does not apply to our retirement plans except in limited circumstances, most of which involve requirements to maintain our plans' tax qualified status. While we would look to ERISA or ERISA case law in the absence of a specific state statute or case on a given topic, that, again, would typically be in regard to tax qualification issues rather than general investment guidelines. As such, I do not know that the proposed rule change would directly impact our plans or the investment of their monies.

Unfortunately, I do not have any historical knowledge on whether the NDPERS Board has previously endorsed or prohibited ESG considerations generally. When I was the SIB's attorney a lifetime ago, the SIB was opposed to ESG requirements because of the prudent investor rule and the exclusive benefit rule.

Body

From a public pension industry perspective, I believe the contemplation of certain ESG considerations has become accepted as legitimate business and economic concerns, including some of those related to the topics on page 5 of the proposed letter. Nonetheless, neither the act of prohibiting nor the act of requiring those considerations would seem to be prudent. At the end of the day, I would argue the prudent investor rule and the exclusive benefit rule should be the guide, rather than a blanket requirement. That would, of course, require appropriate documentation of the evaluation and decision-making process.

Have a great weekend,

Scott

Scott A. Miller
Executive Director
North Dakota Public Employees Retirement System

North Dakota Public Employees Retirement System
Visit us at 1600 East Century Avenue | Suite 2 | Bismarck
Send mail to PO Box 1657 | Bismarck, ND 58502-1657
W www.ndpers.nd.gov | Subscribe to receive news
P 701.328.3901 | **TF** 800.803.7377 | **F** 701.328.3920
email scottmiller@nd.gov | Find us on Facebook

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From: Brocker, Liz <lbrocker@nd.gov>
Sent: Friday, December 10, 2021 8:05 AM
To: Murtha, Janilyn <janilynmurtha@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>
Subject: From Wayne -- FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Per Wayne's request, please see attached. The deadline is Monday at 5pm our time! Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, December 10, 2021 7:43 AM
To: Brocker, Liz <lbrocker@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>
Subject: FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Will you circulate this proposed letter to some of our client agencies for their input on this proposed comment letter, please.
Note the short turn-around time.
Wayne

From: Melissa Holyoak <melissaholyoak@agutah.gov>
Sent: Friday, December 10, 2021 12:52 AM
To: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov;

Body	Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent < Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick < ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov>; Cecilia Lesmes < clesmes@agutah.gov> **Subject:** RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello All, Attached are a redline and clean version of the ERISA comments letter with some revisions. Many thanks to Arkansas and Idaho for already joining! Please reach out with any questions/comments. Thanks! Melissa **From:** Melissa Holyoak **Sent:** Wednesday, December 8, 2021 4:58 PM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson < JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight < Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise < Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan < John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears < Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay < jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent < Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick < ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov> **Subject:** ERISA ESG Comment Letter -- Deadline 12/13 at 3 pm ET Hello All, Attached is a draft comments letter in response to a revised DOL rule regarding ERISA plan sponsors' obligations relating to ESG investments. The letter argues that these investments are often misleading and administratively costly and should not be encouraged. The administration also does not provide justification for departure from the current rules that went into effect early 2021. The current rules clarify that only pecuniary factors can be considered when investing. **I apologize for the short turnaround but we need joins by Monday December 13 at 6 pm ET.** Also, please note that we worked with our state Treasurer on this letter. He is circulating to treasurers from other states to see if they would like to add their signatures. We welcome any feedback and if you have any questions or concerns, please do not hesitate to contact me. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	image002[14268].png, image003[14269].png

Record 477

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	FW: Pembina County States Attorney removal petition
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 4:07:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 4:07:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 4:07:14.000 PM

Body	FYI – we received a petition for removal of the Pembina County State's Attorney. I forwarded it to Lonnie re. the investigation but as these are usually reviewed by C&R and that appears to be an issue, I'm letting you both know, too. Liz **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Monday, December 13, 2021 4:01 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Pembina County States Attorney removal petition Great question. Maybe Lonnie can provide us some guidance. We are currently co-chairing a case set for trial next month with the Pembina County State's Attorney so I'm not sure if it would be appropriate for us to handle it. Maybe a special will need to be appointed? Or civil litigation perhaps? *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Monday, December 13, 2021 3:59 PM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** FW: Pembina County States Attorney removal petition One for your division – or directly to BCI? Liz **From:** Loren Estad <lestad@polarcomm.com> **Sent:** Monday, December 13, 2021 3:50 PM **To:** -Info-Attorney General <ndag@nd.gov> **Cc:** -Info-Secretary of State <sos@nd.gov> **Subject:** Pembina County States Attorney removal petition ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To whom it may concern: Attached is a petition to have the Pembina County States Attorney investigated. The guidelines for summiting the petition are not specific, as to who is responsible for accepting it at the state level. If the originals are needed I can get them to you. I have emailed this to both the Attorney General's office and to the Secretary of State's office. Any further guidance if needed would be appreciated. Please confirm receipt of this email, and question and concerns can be directed to my email or by phone at 701-657-2279. Thank you. Loren Estad **Ph: 701-657-2279 Cell: 701-520-0412** **Fax: 701-657-2233 lestad@polarcomm.com**
Attachments	image001[14613].jpg

Record 478

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	FW: Pembina County States Attorney removal petition
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 4:07:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 4:07:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 4:07:14.000 PM

Body	FYI – we received a petition for removal of the Pembina County State's Attorney. I forwarded it to Lonnie re. the investigation but as these are usually reviewed by C&R and that appears to be an issue, I'm letting you both know, too. Liz **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Monday, December 13, 2021 4:01 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Pembina County States Attorney removal petition Great question. Maybe Lonnie can provide us some guidance. We are currently co-chairing a case set for trial next month with the Pembina County State's Attorney so I'm not sure if it would be appropriate for us to handle it. Maybe a special will need to be appointed? Or civil litigation perhaps? *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Monday, December 13, 2021 3:59 PM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** FW: Pembina County States Attorney removal petition One for your division – or directly to BCI? Liz **From:** Loren Estad <lestad@polarcomm.com> **Sent:** Monday, December 13, 2021 3:50 PM **To:** -Info-Attorney General <ndag@nd.gov> **Cc:** -Info-Secretary of State <sos@nd.gov> **Subject:** Pembina County States Attorney removal petition ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To whom it may concern: Attached is a petition to have the Pembina County States Attorney investigated. The guidelines for summiting the petition are not specific, as to who is responsible for accepting it at the state level. If the originals are needed I can get them to you. I have emailed this to both the Attorney General's office and to the Secretary of State's office. Any further guidance if needed would be appreciated. Please confirm receipt of this email, and question and concerns can be directed to my email or by phone at 701-657-2279. Thank you. Loren Estad **Ph: 701-657-2279 Cell: 701-520-0412** **Fax: 701-657-2233 lestad@polarcomm.com**
Attachments	image001[11159].jpg

Record 479

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	phone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:12:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:12:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:12:55.000 PM
Body	AG Lawrence Wasden called. He is looking for referrals to a family law attorney in Williston, to help out the daughter of long-time friends (deceased) who wants a divorce, and was hoping you'd have a name. He has 2 cell phones: §44-04-18.21 and §44-04-18.21 Liz

Record 480

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	phone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:12:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:12:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:12:55.000 PM
Body	AG Lawrence Wasden called. He is looking for referrals to a family law attorney in Williston, to help out the daughter of long-time friends (deceased) who wants a divorce, and was hoping you'd have a name. He has 2 cell phones: §44-04-18.21 and §44-04-18.21 Liz

Record 481

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Jamaica
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:21:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:21:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:21:16.000 AM
Body	1. No more than 7 days (and no fewer than 3 day) prior to *arrival* date in Jamaica, you will need to complete the Travel Authorization. Each person in your group needs to do a separate authorization – you'll need passport, flight, and resort information. Click on this link, and answer No: https://travelauth.visitjamaica.com/ . That opens the travel authorization. You will be sent a one-time password. 1. Once the travel authorization is completed and submitted, you will get an email approving it and attaching the authorization. Download a copy to your phone AND print a hard copy. I know it says they'll accept the e-copy, but they always ask to see the hard copy. 2. No more than 72 hours prior to *arrival date* in Jamaica, you need to get a Covid 19 test done. IGNORE the public health testing sites. I know the sites imply that they do testing for travel but that is NOT the case. The best place we have found to get the testing done is Mayo Pharmacy on 4th Street. You can book the appointment online. You do have to pay for it. You may not be able to complete your online check-in because the ticket agent has to personally verify that she has checked your covid-19 test and your travel authorization unless your flight has been authorized for Delta's Verifly – in which case click on the delta link, enter your info, upload pics of your results and travel authorization, and you'll be good. About 3 days before your return, you'll get an email from Delta with a link to complete the CDC attestation. You'll also need to have covid-19 test results before checking in on the flight (or doing verifly). Liz

Record 482

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Jamaica
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:21:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:21:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:21:16.000 AM

Body	1. No more than 7 days (and no fewer than 3 day) prior to *arrival* date in Jamaica, you will need to complete the Travel Authorization. Each person in your group needs to do a separate authorization – you'll need passport, flight, and resort information. Click on this link, and answer No: https://travelauth.visitjamaica.com/ . That opens the travel authorization. You will be sent a one-time password. 1. Once the travel authorization is completed and submitted, you will get an email approving it and attaching the authorization. Download a copy to your phone AND print a hard copy. I know it says they'll accept the e-copy, but they always ask to see the hard copy. 2. No more than 72 hours prior to *arrival date* in Jamaica, you need to get a Covid 19 test done. IGNORE the public health testing sites. I know the sites imply that they do testing for travel but that is NOT the case. The best place we have found to get the testing done is Mayo Pharmacy on 4th Street. You can book the appointment online. You do have to pay for it. You may not be able to complete your online check-in because the ticket agent has to personally verify that she has checked your covid-19 test and your travel authorization unless your flight has been authorized for Delta's Verifly – in which case click on the delta link, enter your info, upload pics of your results and travel authorization, and you'll be good. About 3 days before your return, you'll get an email from Delta with a link to complete the CDC attestation. You'll also need to have covid-19 test results before checking in on the flight (or doing verifly). Liz

Record 483

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	agall@nd.gov
Subject	United Way pledge forms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:54:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:54:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:54:08.000 AM
Body	A reminder that I need the completed United Way pledge forms returned to me by tomorrow so that I can get them to Finance before the system cutoff. The pledge form is attached, in case you need it. Thank you. Liz
Attachments	15988.pdf

Record 484

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	agall@nd.gov
Subject	United Way pledge forms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:54:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:54:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 11:54:08.000 AM
Body	A reminder that I need the completed United Way pledge forms returned to me by tomorrow so that I can get them to Finance before the system cutoff. The pledge form is attached, in case you need it. Thank you. Liz
Attachments	12630.pdf

Record 485

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov

Subject	media - reminder
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:14:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:14:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:14:16.000 AM
Body	Tom from WDAY Radio The Flag would like to know if you will come on the news live today – at 11:05 am, or 12:05 pm, or 1:05 pm. Liz

Record 486

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	media - reminder
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:14:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:14:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:14:16.000 AM
Body	Tom from WDAY Radio The Flag would like to know if you will come on the news live today – at 11:05 am, or 12:05 pm, or 1:05 pm. Liz

Record 487

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:29:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:29:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:29:39.000 PM
Body	At eye dr. Dilated eyes plus sun and snow glare will make the drive home so much fun! Sent from my phone. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:39:09 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Glad to hear that. See you Thursday (if Beth decides we should go home!) Hope you had a nice Christmas. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 28, 2021 3:34:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Very quiet. Knock on wood. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:33:31 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 488

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:29:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:29:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:29:39.000 PM
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Record 489

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:48:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:48:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:48:34.000 AM

Body

We are working on edits and cite checking the draft, and will email you the updated draft asap today. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 29, 2021 6:22 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: FW: Your Flight Was Canceled. Here's Your New Itinerary

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Wayne

From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary

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You have already been booked on the best available option.

DELTA

SkyMiles® Member

Your Flight Has Been Rebooked

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Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893 Wed, December 29~~	~~Montego Bay 3:20 PM~~	~~Minneapolis/St. Paul, Minnes 7:30 PM~~
~~Delta 3603 Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota 10:45 PM~~	~~Bismarck,North Dakota 12:26 PM~~

FLIGHT	SEAT
Delta 1893	Choose Seat
Delta 3603	Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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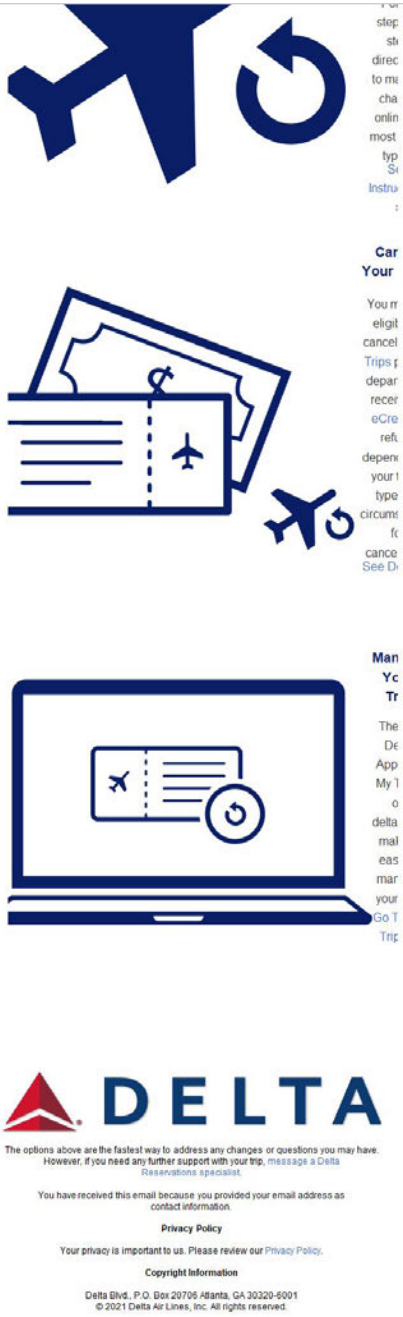
Body	

Record 490

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:48:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:48:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:48:34.000 AM

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To: Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
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Wayne

From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary

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DELTA

**********529610 SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,
Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans and apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
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Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893 Wed, December 29~~	~~Montego Bay 3:20 PM~~	~~Minneapolis/St. Paul, Minnes 7:30 PM~~
~~Delta 3603 Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota 10:45 PM~~	~~Bismarck,North Dakota 12:26 PM~~

FLIGHT	SEAT
Delta 1893	Choose Seat
Delta 3603	Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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Ne
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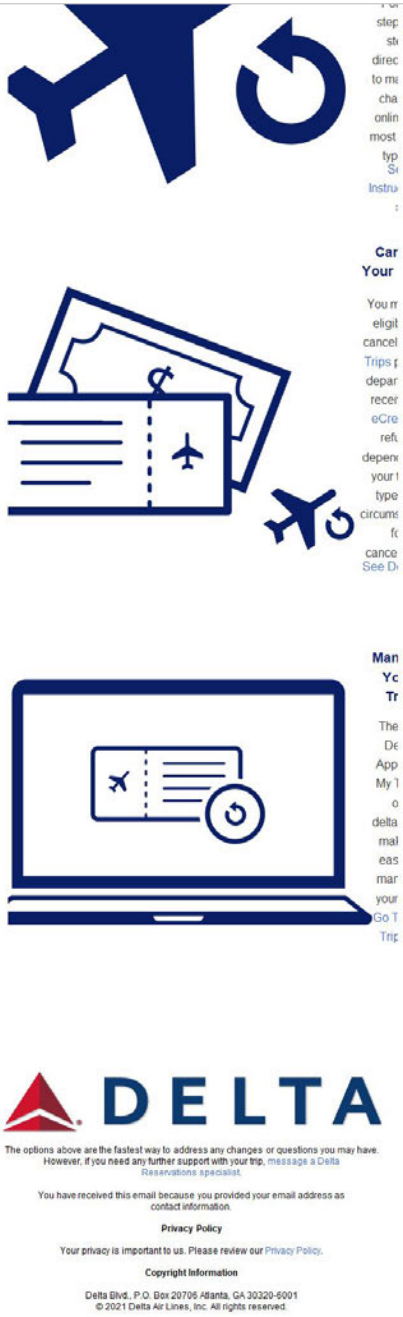
Body	

Record 491

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:01:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:01:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:01:14.000 AM

Body

According to the CDC information, for testing to return to the USA: if your FIRST flight in your trip is delayed past the 1-day limit of testing due to a situation beyond your control (e.ge delays because of severe weather or aircraft mechanical problem) and that delay is **24 hours** or less past the 1-day limit for testing, you do not need to be retested. If the delay is more than **24 hours** past the 1-day limit, then you will need to be retested. See: https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html#anchor_1635127083. (emphasis in original)
The CDC page has a "last updated" date of December 17th.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 29, 2021 8:56 AM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: RE: Your Flight Was Canceled. Here's Your New Itinerary

Very well.
Perhaps you can find out the answer to this question:
We are required to have a negative COVID test within 24 hours to fly home.
We got the tests [all negative] but now our flight leaves tomorrow at 3:40pm, 24 hours later.
Do we have to have another test today to fly?
[the Delta app is useless, and the wait for a phone call is 688 minutes]
Can you find the answer for us somewhere?
Signed,
Exasperated in Montego Bay

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Wednesday, December 29, 2021 8:49 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Your Flight Was Canceled. Here's Your New Itinerary

We are working on edits and cite checking the draft, and will email you the updated draft asap today. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 29, 2021 6:22 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: FW: Your Flight Was Canceled. Here's Your New Itinerary

As you can see, our flight home for today has been cancelled.
We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow.
I have that one opinion that Ally says must be out before next week so I will be working on that today.
Let me know if there's anything else I need to do before the end of the year.
Wayne

From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary.
Ca

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DELTA ********529630 SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN

Body

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Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
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~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul, Minnes~~ ~~7:30 PM~~
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FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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Body	You m eligit cancel Trips p depar recei eCre refu depen your t type circums fc cance See D Man Yc Tr The De App My T o delta mal eas mar your Go T Trip DELTA The options above are the fastest way to address any changes or questions you may have. However, if you need any further support with your trip, message a Delta Reservations specialist. You have received this email because you provided your email address as contact information. **Privacy Policy** Your privacy is important to us. Please review our Privacy Policy. **Copyright Information** Delta Blvd., P.O. Box 20706 Atlanta, GA 30320-6001 © 2021 Delta Air Lines, Inc. All rights reserved.

Record 492

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:01:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:01:12.000 AM
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Body

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FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

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**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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Body	You m eligit cancel Trips p depar recei eCre refu depen your t type circums fc cance See D Man Yc Tr The De App My T o delta mal eas mar your Go T Trip DELTA The options above are the fastest way to address any changes or questions you may have. However, if you need any further support with your trip, message a Delta Reservations specialist. You have received this email because you provided your email address as contact information. **Privacy Policy** Your privacy is important to us. Please review our Privacy Policy. **Copyright Information** Delta Blvd., P.O. Box 20706 Atlanta, GA 30320-6001 © 2021 Delta Air Lines, Inc. All rights reserved.

Record 493

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:15:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:15:22.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:15:23.000 AM

Body	Okay, phew! I wondered □□ Enjoy your surprise extra day of warm sunny weather and ocean breezes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 9:14 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Your Flight Was Canceled. Here's Your New Itinerary Not that I'm trying to get rod of you Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. **Sent:** Wednesday, December 29, 2021 10:03:11 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Thank you! You could go and work for Delta. They are badly in need of competent help! Wayne **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 9:01 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary According to the CDC information, for testing to return to the USA: if your FIRST flight in your trip is delayed past the 1-day limit of testing due to a situation beyond your control (e.ge delays because of severe weather or aircraft mechanical problem) and that delay is **24 hours** or less past the 1-day limit for testing, you do not need to be retested. If the delay is more than **24 hours** past the 1-day limit, then you will need to be retested. See: https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html#anchor_1635127083 (emphasis in original) The CDC page has a "last updated" date of December 17th. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 8:56 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Very well. Perhaps you can find out the answer to this question: We are required to have a negative COVID test within 24 hours to fly home. We got the tests [all negative] but now our flight leaves tomorrow at 3:40pm, 24 hours later. Do we have to have another test today to fly? [the Delta app is useless, and the wait for a phone call is 688 minutes] Can you find the answer for us somewhere? Signed, Exasperated in Montego Bay **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 8:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary We are working on edits and cite checking the draft, and will email you the updated draft asap today. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 6:22 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Your Flight Was Canceled. Here's Your New Itinerary As you can see, our flight home for today has been cancelled. We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow. I have that one opinion that Ally says must be out before next week so I will be working on that today. Let me know if there's anything else I need to do before the end of the year. Wayne **From:** DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com> **Sent:** Wednesday, December 29, 2021 5:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Your Flight Was Canceled. Here's Your New Itinerary. Ca

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

You have already been booked on the best available option.

DELTA

*******529630 SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,
Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans and apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893 Wed, December 29~~	~~Montego Bay 3:20 PM~~	~~Minneapolis/St. Paul, Minnes 7:30 PM~~
~~Delta 3603 Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota 10:45 PM~~	~~Bismarck,North Dakota 12:26 PM~~

FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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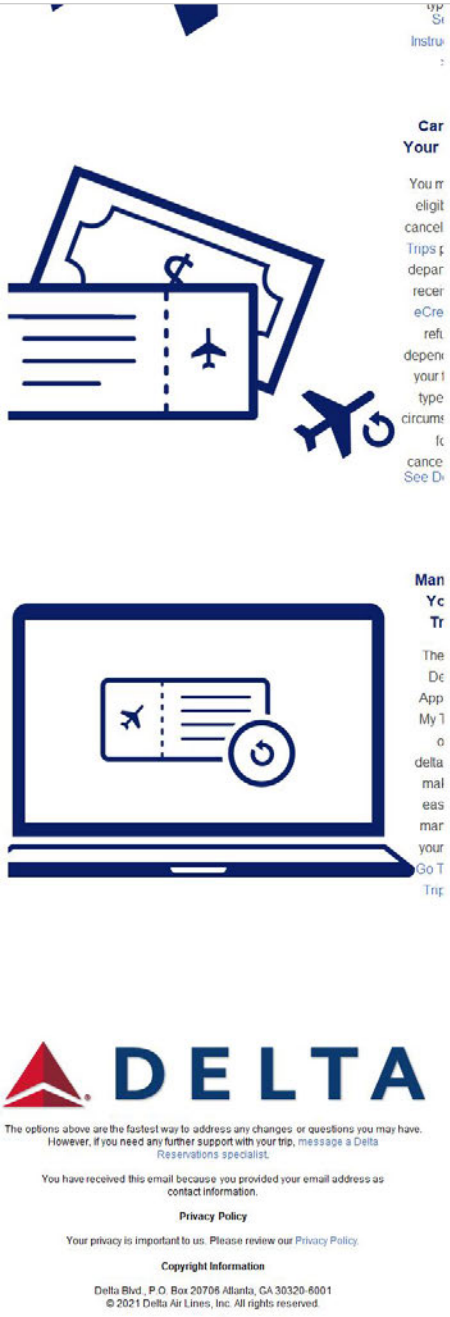
Body	

Record 494

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:15:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:15:22.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:15:23.000 AM

Body	Okay, phew! I wondered □□ Enjoy your surprise extra day of warm sunny weather and ocean breezes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 9:14 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Your Flight Was Canceled. Here's Your New Itinerary Not that I'm trying to get rod of you Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. **Sent:** Wednesday, December 29, 2021 10:03:11 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Thank you! You could go and work for Delta. They are badly in need of competent help! Wayne **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 9:01 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary According to the CDC information, for testing to return to the USA: if your FIRST flight in your trip is delayed past the 1-day limit of testing due to a situation beyond your control (e.ge delays because of severe weather or aircraft mechanical problem) and that delay is **24 hours** or less past the 1-day limit for testing, you do not need to be retested. If the delay is more than **24 hours** past the 1-day limit, then you will need to be retested. See: https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html#anchor_1635127083 (emphasis in original) The CDC page has a "last updated" date of December 17th. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 8:56 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Very well. Perhaps you can find out the answer to this question: We are required to have a negative COVID test within 24 hours to fly home. We got the tests [all negative] but now our flight leaves tomorrow at 3:40pm, 24 hours later. Do we have to have another test today to fly? [the Delta app is useless, and the wait for a phone call is 688 minutes] Can you find the answer for us somewhere? Signed, Exasperated in Montego Bay **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 8:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary We are working on edits and cite checking the draft, and will email you the updated draft asap today. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 6:22 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Your Flight Was Canceled. Here's Your New Itinerary As you can see, our flight home for today has been cancelled. We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow. I have that one opinion that Ally says must be out before next week so I will be working on that today. Let me know if there's anything else I need to do before the end of the year. Wayne **From:** DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com> **Sent:** Wednesday, December 29, 2021 5:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Your Flight Was Canceled. Here's Your New Itinerary. Ca

Body

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You have already been booked on the best available option.

DELTA

*******529630 SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,
Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans and apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
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~~Delta 1893 Wed, December 29~~	~~Montego Bay 3:20 PM~~	~~Minneapolis/St. Paul, Minnes 7:30 PM~~
~~Delta 3603 Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota 10:45 PM~~	~~Bismarck,North Dakota 12:26 PM~~

FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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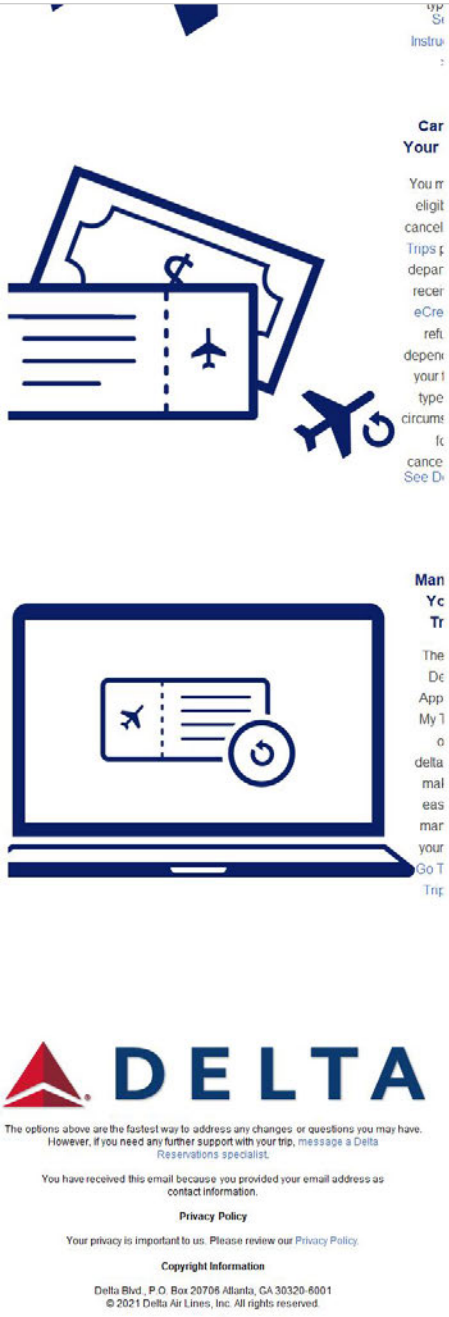
Body	

Record 495

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	meeting request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:22:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:22:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:22:42.000 AM
Body	Shane Goettle asked for a meeting with you on January 11th for him + Jeff Zarling (on the sponsoring committee) to discuss the proposed initiated measure "Related to Constitutional Measures Requiring Sixty Percent Majority Vote and to Limit the Measure to One Subject." Liz

Record 496

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	meeting request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:22:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:22:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:22:42.000 AM
Body	Shane Goettle asked for a meeting with you on January 11th for him + Jeff Zarling (on the sponsoring committee) to discuss the proposed initiated measure "Related to Constitutional Measures Requiring Sixty Percent Majority Vote and to Limit the Measure to One Subject." Liz

Record 497

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: AG Alliance Chair's Initiative Registration Information
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:14:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:14:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:14:53.000 PM

Body	May I register you for this event? Lodging is reserved by them, and I assume you will book your own flight rather than use the Egencia link? Liz **From:** Paige Stiles <pstiles@agalliance.org> **Sent:** Wednesday, December 22, 2021 2:45 PM **To:** Paige Stiles <pstiles@agalliance.org> **Cc:** Tegan White <TWhite@agalliance.org> **Subject:** AG Alliance Chair's Initiative Registration Information **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorney General, On behalf of the Attorney General Alliance and Chair and Colorado Attorney General Phil Weiser, we looking forward to have you join us at our upcoming 2022 Chair's Initiative, formally titled, "The Ginsburg/Scalia Initiative: Towards a More Perfect Union Through Dialogue and Collaborative Problem Solving." This meeting will take place on February 4th to 6th, 2022 at the Ritz Carlton in Avon, CO. To review information for the event and to register please visit our website 2022 AG Alliance/CWAG Chair's Initiative . To register, click on the "Register" button, select "Attorney General" as your registration type then proceed to complete the process. For the safety of our guests, the AG Alliance is committed to enhanced levels of cleanliness, attendance limits and physical distancing meeting protocols as well as mandatory masks and pre-event COVID-19 temperature checks may be required. We will follow all mandates required by the state of Colorado. **Lodging:** The AG Alliance team has reserved a room for you at the host hotel for Friday, February 4th and Saturday, February 5th, checking out on Sunday February 6th. Once your registration for the event is confirmed we will provide you with your hotel confirmation number. If you have any questions or need special assistance please contact meeting coordinator Tegan White at twhite@agalliance.org or 916-690-4353. **The Ritz Carlton, Bachelor Gulch** Address: 0130 Daybreak Ridge Rd, Avon, CO 81620 Phone: (970) 748-6200 **Airport Options:** Denver International Airport (99.6 miles from hotel) Eagle County Regional Airport (21.1 miles from hotel) Aspen–Pitkin County Airport (33.8 miles from hotel) **Airfare:** AG Alliance uses an online travel portal called **Egencia**. Booking your travel through Egencia allows your trip to be billed directly to us. Please follow the link below to create a new Egencia account, or simply login using your existing account. If you have made other arrangements for your flights, please forward us your itinerary. Once you select the best option, please use the American Express card listed for master billing, then select 'Tegan White' as your trip approver. Please do not hesitate to reach out to Twhite@agalliance.org if you have any questions setting up or locating your account, prompting a password reset or finding your flights for this event! **Book your flights today by following this link!** If you have any questions regarding logistics, please feel free to call me at 916-690-4353 or email me at Twhite@agalliance.org. Looking forward to seeing you in Avon!
Attachments	image001[15035].png

Record 498

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: AG Alliance Chair's Initiative Registration Information
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:14:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:14:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:14:53.000 PM

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Attachments	image001[11629].png

Record 499

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	K-9 demo
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:11:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:11:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:11:59.000 PM
Body	May I set up the morning of January 11th for you to have a demo (in your office) from the newest K-9? Or would you prefer later in the day, after Shane's meeting? Liz

Record 500

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Subject	K-9 demo
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:11:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:11:59.000 PM

Record 501

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	phone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:43:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:43:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:43:03.000 AM
Body	Karen Krebsbach, spoke to you about setting up any date in February after February 12th, that works for you. Lincoln day dinner, speaker. 701-720-1291 (cell). Liz

Record 502

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	phone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:43:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:43:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:43:03.000 AM
Body	Karen Krebsbach, spoke to you about setting up any date in February after February 12th, that works for you. Lincoln day dinner, speaker. 701-720-1291 (cell). Liz

Record 503

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: WDALA: Paralegal/Legal Assistant Association
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:06:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:06:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:06:31.000 PM

Body

Here's the email, so you can add your answers. Liz

From: Johnson, Alice M. <amjohnson@nd.gov>
Sent: Monday, January 3, 2022 1:05 PM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: FW: WDALA: Paralegal/Legal Assistant Association

Liz,

Do you think Wayne would be interested in doing this?

Alice

From: Alice and Arthur Johnson <shybird62@msn.com>
Sent: Monday, January 3, 2022 1:01 PM
To: Johnson, Alice M. <amjohnson@nd.gov>
Subject: Fw: WDALA: Paralegal/Legal Assistant Association

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

From: Melissa Klimpel <MKlimpel@smithporsborg.com>
Sent: Thursday, December 30, 2021 3:49 PM
To: Alice Johnson, CP <shybird62@msn.com>
Subject: WDALA: Paralegal/Legal Assistant Association

Hi Alice,

Do you think Wayne would be willing to participate in this? If so, would you mind asking him? Thanks!

I am writing to invite you to be featured in our paralegal association's (WDALA) newsletter called the *Summons*. The *Summons* is published four times a year (February, May, August, and November) and includes articles that are written by judges, attorneys, paralegals, and others on the subjects of substantive legal issues, court rules, current trends and recent developments, leadership, professional development, career development, mentoring, or articles of general interest to paralegals.

WDALA started a new feature in the *Summons* called "Get to Know Your . . . ". This feature is a fun way for our members to learn more about individuals in our legal community and their roles. The first edition of this new feature was published in the November 2021 issue of the *Summons* and we would like to put the spotlight on you for the February 2022 issue.

If you are interested, I have included a list of questions below for you to answer. (**Note:** I will need your responses no later than January 14, 2022). We ask that each participant answer all 5 questions in the first group and pick 5-10 bonus questions of their choice from the second group.

Please let me know if you would be willing to participate in this new piece in our *Summons* newsletter. We would be honored to showcase you in this fun, new feature!

5 QUESTIONS TO ANSWER:

1. What are your job duties?

Body	2. What did you want to be when you grew up and are you currently doing it? 3. What led you to this career and how did you get into your current field or position? 4. What is a typical day like at your job? 5. What advice can you offer to attorneys / paralegals to make your job easier? **YOUR CHOICE! PICK 5-10 BONUS QUESTIONS TO ANSWER:** 1. What is the best/worst part of your job? 2. What's the biggest misconception people have about your position? 3. What's something that has surprised you about your chosen career path? 4. What piece of advice would you give to yourself at the beginning of your career? 5. What's the best piece of professional advice you've ever received? 6. Do you have any mentors in your professional life? 7. What motivates you? 8. If you could meet any historical figure, who would they be? 9. If you didn't have to work, what would you do with your time? 10. Do you have any favorite quotes? 11. What could you give a 30-minute presentation about with no advance preparation? 12. If you could only have three apps on your smartphone, which would you pick? 13. What book or movie have you recently read/seen and why would you recommend it? 14. If you could choose to do anything for a day, what would it be? 15. If you were a super-hero, what powers would you have? Melissa *WDALA Summons Editor* https://www.wdala.org/ ***Melissa M. Klimpel, ACP*** ***Advanced Certified Paralegal to Scott Porsborg*** 122 East Broadway Avenue P.O. Box 460 Bismarck, ND 58502-0460 Phone: 701.258.0630 / Fax: 701.258.6498 **Email: mklimpel@smithporsborg.com** ***CONFIDENTIALITY NOTE*** This email, including attachments is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., is confidential, and/or is legally privileged. It is intended for use only by the person to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by email to the sender; (2) delete this email, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. Thank you.
Attachments	image001[15225].jpg

Record 504

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: WDALA: Paralegal/Legal Assistant Association
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:06:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:06:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:06:31.000 PM

Body

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From: Johnson, Alice M. <amjohnson@nd.gov>
Sent: Monday, January 3, 2022 1:05 PM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: FW: WDALA: Paralegal/Legal Assistant Association

Liz,

Do you think Wayne would be interested in doing this?

Alice

From: Alice and Arthur Johnson <shybird62@msn.com>
Sent: Monday, January 3, 2022 1:01 PM
To: Johnson, Alice M. <amjohnson@nd.gov>
Subject: Fw: WDALA: Paralegal/Legal Assistant Association

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

From: Melissa Klimpel <MKlimpel@smithporsborg.com>
Sent: Thursday, December 30, 2021 3:49 PM
To: Alice Johnson, CP <shybird62@msn.com>
Subject: WDALA: Paralegal/Legal Assistant Association

Hi Alice,

Do you think Wayne would be willing to participate in this? If so, would you mind asking him? Thanks!

I am writing to invite you to be featured in our paralegal association's (WDALA) newsletter called the *Summons*. The *Summons* is published four times a year (February, May, August, and November) and includes articles that are written by judges, attorneys, paralegals, and others on the subjects of substantive legal issues, court rules, current trends and recent developments, leadership, professional development, career development, mentoring, or articles of general interest to paralegals.

WDALA started a new feature in the *Summons* called "Get to Know Your . . . ". This feature is a fun way for our members to learn more about individuals in our legal community and their roles. The first edition of this new feature was published in the November 2021 issue of the *Summons* and we would like to put the spotlight on you for the February 2022 issue.

If you are interested, I have included a list of questions below for you to answer. (**Note:** I will need your responses no later than January 14, 2022). We ask that each participant answer all 5 questions in the first group and pick 5-10 bonus questions of their choice from the second group.

Please let me know if you would be willing to participate in this new piece in our *Summons* newsletter. We would be honored to showcase you in this fun, new feature!

5 QUESTIONS TO ANSWER:

1. What are your job duties?

Body	2. What did you want to be when you grew up and are you currently doing it? 3. What led you to this career and how did you get into your current field or position? 4. What is a typical day like at your job? 5. What advice can you offer to attorneys / paralegals to make your job easier? **YOUR CHOICE! PICK 5-10 BONUS QUESTIONS TO ANSWER:** 1. What is the best/worst part of your job? 2. What's the biggest misconception people have about your position? 3. What's something that has surprised you about your chosen career path? 4. What piece of advice would you give to yourself at the beginning of your career? 5. What's the best piece of professional advice you've ever received? 6. Do you have any mentors in your professional life? 7. What motivates you? 8. If you could meet any historical figure, who would they be? 9. If you didn't have to work, what would you do with your time? 10. Do you have any favorite quotes? 11. What could you give a 30-minute presentation about with no advance preparation? 12. If you could only have three apps on your smartphone, which would you pick? 13. What book or movie have you recently read/seen and why would you recommend it? 14. If you could choose to do anything for a day, what would it be? 15. If you were a super-hero, what powers would you have? Melissa *WDALA Summons Editor* https://www.wdala.org/ ***Melissa M. Klimpel, ACP*** ***Advanced Certified Paralegal to Scott Porsborg*** 122 East Broadway Avenue P.O. Box 460 Bismarck, ND 58502-0460 Phone: 701.258.0630 / Fax: 701.258.6498 **Email: mklimpel@smithporsborg.com** ***CONFIDENTIALITY NOTE*** This email, including attachments is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., is confidential, and/or is legally privileged. It is intended for use only by the person to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by email to the sender; (2) delete this email, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. Thank you.
Attachments	image001[11820].jpg

Record 505

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Media call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:14:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:14:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:14:02.000 AM

Body	Wants to know if we have any statement in response to the news story that a BCI agent "illegally confiscated a phone and was ordered to return it." Liz **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Thursday, January 13, 2022 11:03 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Media call Call Michael Anthony with KFYR 701-770-5335

Record 506

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Media call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:14:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:14:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:14:02.000 AM
Body	Wants to know if we have any statement in response to the news story that a BCI agent "illegally confiscated a phone and was ordered to return it." Liz **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Thursday, January 13, 2022 11:03 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Media call Call Michael Anthony with KFYR 701-770-5335

Record 507

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Follow up questions - FW: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:35:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:35:14.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:35:17.000 PM

Body	I highlighted Adam's follow up questions, below. Liz **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:30 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz, Thank you for this! This is a very helpful in summary of the important points in Judge Traynor's decision. I have two follow-up questions, if possible. During the hearing earlier this week, Judge Traynor suggested that North Dakota could intervene in the similar lawsuit of a group of other states that was recently appealed up to the Fifth Circuit. **Is North Dakota considering taking that step?** Also, the attorney general's statement noted that the state's request "could be ordered at a later time in the litigation" as the case proceeds. **Does the state need to pursue a motion for summary judgment, or take any other specific steps, in order to keep pursuing this case in Judge Traynor's court?** Thank you again for your help! Adam On Fri, Jan 14, 2022 at 3:21 PM Brocker, Liz <lbrocker@nd.gov> wrote: **Statement of Attorney General Wayne Stenehjem in response to today's federal District Court decision on BLM Oil and Gas Lease Sales** We appreciate the Court's desire to have additional information before issuing an order requiring BLM to hold the statutory quarterly lease sales, and understand, given BLM's promise to hold a lease sale in February and again in the quarter thereafter, why the Court would want to wait and gather more information before making a final decision. The Court denied our request for now without prejudice, which means that as the case proceeds, our request could be ordered at a later time in the litigation. The Court specifically stated that "If the Defendants do not hold to their word and cancel any planned future sale, North Dakota may bring this action for review of the specifically cancelled sales once this Court has the benefit of a complete record." The Court also noted that there is already an existing nationwide preliminary injunction restraining the federal government from implementing its disputed "pause" on new oil and gas leasing on federal lands. North Dakota will be closely following the actions of the federal government agencies as they now proceed with the promised lease sales in February and thereafter. We are fully prepared to hold their feet to the fire and will not hesitate to bring the matter before the Court again as the circumstances warrant. **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:03 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** No, I missed this! Thank you for sending it over. Do you know if the Attorney General or Paul Seby would have a few minutes yet today to talk about the ruling? Thank you again for the heads up, On Fri, Jan 14, 2022 at 3:01 PM Brocker, Liz <lbrocker@nd.gov> wrote: Not sure if you saw this. Liz -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 508

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Follow up questions - FW: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:35:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:35:14.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:35:17.000 PM

Body	I highlighted Adam's follow up questions, below. Liz **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:30 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz, Thank you for this! This is a very helpful in summary of the important points in Judge Traynor's decision. I have two follow-up questions, if possible. During the hearing earlier this week, Judge Traynor suggested that North Dakota could intervene in the similar lawsuit of a group of other states that was recently appealed up to the Fifth Circuit. **Is North Dakota considering taking that step?** Also, the attorney general's statement noted that the state's request "could be ordered at a later time in the litigation" as the case proceeds. **Does the state need to pursue a motion for summary judgment, or take any other specific steps, in order to keep pursuing this case in Judge Traynor's court?** Thank you again for your help! Adam On Fri, Jan 14, 2022 at 3:21 PM Brocker, Liz <lbrocker@nd.gov> wrote: **Statement of Attorney General Wayne Stenehjem in response to today's federal District Court decision on BLM Oil and Gas Lease Sales** We appreciate the Court's desire to have additional information before issuing an order requiring BLM to hold the statutory quarterly lease sales, and understand, given BLM's promise to hold a lease sale in February and again in the quarter thereafter, why the Court would want to wait and gather more information before making a final decision. The Court denied our request for now without prejudice, which means that as the case proceeds, our request could be ordered at a later time in the litigation. The Court specifically stated that "If the Defendants do not hold to their word and cancel any planned future sale, North Dakota may bring this action for review of the specifically cancelled sales once this Court has the benefit of a complete record." The Court also noted that there is already an existing nationwide preliminary injunction restraining the federal government from implementing its disputed "pause" on new oil and gas leasing on federal lands. North Dakota will be closely following the actions of the federal government agencies as they now proceed with the promised lease sales in February and thereafter. We are fully prepared to hold their feet to the fire and will not hesitate to bring the matter before the Court again as the circumstances warrant. **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:03 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** No, I missed this! Thank you for sending it over. Do you know if the Attorney General or Paul Seby would have a few minutes yet today to talk about the ruling? Thank you again for the heads up, On Fri, Jan 14, 2022 at 3:01 PM Brocker, Liz <lbrocker@nd.gov> wrote: Not sure if you saw this. Liz -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 509

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	phone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 11:13:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 11:13:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 11:13:51.000 AM
Body	Rep. Weisz, was hoping to meet with you this afternoon. I told him you had a speaking engagement and did not know if it would be possible for you to meet in person. His phone is 220-8007 and he said you'd know what he was calling about. Liz

Record 510

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	phone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 11:13:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 11:13:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 11:13:51.000 AM
Body	Rep. Weisz, was hoping to meet with you this afternoon. I told him you had a speaking engagement and did not know if it would be possible for you to meet in person. His phone is 220-8007 and he said you'd know what he was calling about. Liz

Record 511

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Update in DAPL protest costs case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:02:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:02:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:02:36.000 AM
Body	Do you want to comment? Liz **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Thursday, January 20, 2022 9:34 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Update in DAPL protest costs case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** H Liz, I hope you're doing well. I noticed that there was an order earlier this week in North Dakota's case with the federal government over the costs of DAPL protest clean-up. I also saw in the court record that there was a status conference between the state and the federal government to discuss the case last week, and a follow-up scheduled for next month. Does Attorney General Stenehjem have a few minutes to discuss the progress of settlement negotiations in this case, or a statement he might be able to share on the latest updates from the recent status conference? I know last time I spoke with him about it he wasn't optimistic that a settlement would be reached, but I'm curious how things have developed. Thank you, and let me know if I can send over any more info. Adam -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 512

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Update in DAPL protest costs case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:02:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:02:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:02:36.000 AM

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Record 513

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:52:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:52:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:52:18.000 PM
Body	https://apnews.com/article/wayne-stenehjem-north-dakota-williston-radio-media-32e43bebdd3a8de406c75f7d3e425295 Liz

Record 514

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:52:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:52:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:52:18.000 PM
Body	https://apnews.com/article/wayne-stenehjem-north-dakota-williston-radio-media-32e43bebdd3a8de406c75f7d3e425295 Liz

Record 515

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	FW: Tribal and State meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:48:28.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:48:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:48:28.000 PM
Body	FYI. Liz **From:** Joseph, Christopher <cjoseph@nd.gov> **Sent:** Monday, January 24, 2022 2:46 PM **To:** Brocker, Liz <lbrocker@nd.gov>; McDaniel, Deborah A. <dmcdanie@nd.gov> **Subject:** Tribal and State meeting Good afternoon Liz and Deborah, Senator Wardner, Chairman of the Tribal and State Relations Committee, would like extend an invitation to the Attorney General's Office to provide the committee with two separate presentations. One presentation (most likely Deborah) providing information to the committee on gaming, pull tabs, and how they relate to the tribes. The second presentation would be information on drug enforcement and drug issues on tribal land and tasks forces. For each presentation I will need the following information to get the presentations added to the meeting agenda: • Full name of the presenter/representative; • Official title of the presenter/representative; • Amount of time desired for the presentation; and • Title of the presentation. Please send the above mentioned information to Jill Grossman at jillgrossman@nd.gov before January 31st so that Jill can get the meeting agenda drafted and published. Thank you very much! Sincerely, **Christopher S. Joseph** Legal Counsel North Dakota Legislative Council 600 East Boulevard Ave Bismarck, ND 58505 (701) 328-2916 cjoseph@nd.gov

Record 516

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	FW: Tribal and State meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:48:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:48:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:48:28.000 PM

Body	FYI. Liz **From:** Joseph, Christopher <cjoseph@nd.gov> **Sent:** Monday, January 24, 2022 2:46 PM **To:** Brocker, Liz <lbrocker@nd.gov>; McDaniel, Deborah A. <dmcdanie@nd.gov> **Subject:** Tribal and State meeting Good afternoon Liz and Deborah, Senator Wardner, Chairman of the Tribal and State Relations Committee, would like extend an invitation to the Attorney General's Office to provide the committee with two separate presentations. One presentation (most likely Deborah) providing information to the committee on gaming, pull tabs, and how they relate to the tribes. The second presentation would be information on drug enforcement and drug issues on tribal land and tasks forces. For each presentation I will need the following information to get the presentations added to the meeting agenda: • Full name of the presenter/representative; • Official title of the presenter/representative; • Amount of time desired for the presentation; and • Title of the presentation. Please send the above mentioned information to Jill Grossman at jillgrossman@nd.gov before January 31st so that Jill can get the meeting agenda drafted and published. Thank you very much! Sincerely, **Christopher S. Joseph** Legal Counsel North Dakota Legislative Council 600 East Boulevard Ave Bismarck, ND 58505 (701) 328-2916 cjoseph@nd.gov

Record 517

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Tribal and State meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:57:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:57:10.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:57:12.000 PM

Body	Already on it. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 2:57 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Tribal and State meeting So, I suggest Deb and Lonnie prepare for this Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 24, 2022 3:48:27 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Tribal and State meeting FYI. Liz **From:** Joseph, Christopher <cjoseph@nd.gov> **Sent:** Monday, January 24, 2022 2:46 PM **To:** Brocker, Liz <lbrocker@nd.gov>; McDaniel, Deborah A. <dmcdanie@nd.gov> **Subject:** Tribal and State meeting Good afternoon Liz and Deborah, Senator Wardner, Chairman of the Tribal and State Relations Committee, would like extend an invitation to the Attorney General's Office to provide the committee with two separate presentations. One presentation (most likely Deborah) providing information to the committee on gaming, pull tabs, and how they relate to the tribes. The second presentation would be information on drug enforcement and drug issues on tribal land and tasks forces. For each presentation I will need the following information to get the presentations added to the meeting agenda: • Full name of the presenter/representative; • Official title of the presenter/representative; • Amount of time desired for the presentation; and • Title of the presentation. Please send the above mentioned information to Jill Grossman at jillgrossman@nd.gov before January 31st so that Jill can get the meeting agenda drafted and published. Thank you very much! Sincerely, **Christopher S. Joseph** Legal Counsel North Dakota Legislative Council 600 East Boulevard Ave Bismarck, ND 58505 (701) 328-2916 cjoseph@nd.gov

Record 518

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Tribal and State meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:57:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:57:10.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:57:12.000 PM

Body	Already on it. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 2:57 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Tribal and State meeting So, I suggest Deb and Lonnie prepare for this Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 24, 2022 3:48:27 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Tribal and State meeting FYI. Liz **From:** Joseph, Christopher <cjoseph@nd.gov> **Sent:** Monday, January 24, 2022 2:46 PM **To:** Brocker, Liz <lbrocker@nd.gov>; McDaniel, Deborah A. <dmcdanie@nd.gov> **Subject:** Tribal and State meeting Good afternoon Liz and Deborah, Senator Wardner, Chairman of the Tribal and State Relations Committee, would like extend an invitation to the Attorney General's Office to provide the committee with two separate presentations. One presentation (most likely Deborah) providing information to the committee on gaming, pull tabs, and how they relate to the tribes. The second presentation would be information on drug enforcement and drug issues on tribal land and tasks forces. For each presentation I will need the following information to get the presentations added to the meeting agenda: • Full name of the presenter/representative; • Official title of the presenter/representative; • Amount of time desired for the presentation; and • Title of the presentation. Please send the above mentioned information to Jill Grossman at jillgrossman@nd.gov before January 31st so that Jill can get the meeting agenda drafted and published. Thank you very much! Sincerely, **Christopher S. Joseph** Legal Counsel North Dakota Legislative Council 600 East Boulevard Ave Bismarck, ND 58505 (701) 328-2916 cjoseph@nd.gov

Record 519

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Wayne email
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 3:36:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 3:36:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 3:36:14.000 PM

Body	FYI. Please change your nd.gov password. Liz **From:** Condon, Michael J. <mcondon@nd.gov> **On Behalf Of** NDAG Help Desk **Sent:** Monday, January 24, 2022 3:35 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Wayne email Hello Liz, Wayne should change his NDGOV password as soon as he has a minute. Just to be on the safe side of things. **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 24, 2022 1:27 PM **To:** NDAG Help Desk <ndaghd@nd.gov> **Subject:** FW: Wayne email FYI – just in case. Liz **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, January 24, 2022 1:18 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Wayne email ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz - I wanted to let you know I received what looks to be a phishing email from Wayne's email address this am. You may want to let the IT department know. Sent from my iPhone If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 520

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Wayne email
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 3:36:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 3:36:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 3:36:14.000 PM

Body	FYI. Please change your nd.gov password. Liz **From:** Condon, Michael J. <mcondon@nd.gov> **On Behalf Of** NDAG Help Desk **Sent:** Monday, January 24, 2022 3:35 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Wayne email Hello Liz, Wayne should change his NDGOV password as soon as he has a minute. Just to be on the safe side of things. **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 24, 2022 1:27 PM **To:** NDAG Help Desk <ndaghd@nd.gov> **Subject:** FW: Wayne email FYI – just in case. Liz **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, January 24, 2022 1:18 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Wayne email ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz - I wanted to let you know I received what looks to be a phishing email from Wayne's email address this am. You may want to let the IT department know. Sent from my iPhone If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 521

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:29:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:29:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:29:32.000 AM

Body	FYI. Liz **From:** Amy Sisk <Amy.Sisk@bismarcktribune.com> **Sent:** Tuesday, January 25, 2022 9:28 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Correction: News Release: Incident Reported in McKenzie County ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Liz, I'm writing a story about an oil field spill caused by vandalism this weekend (see press release below). The well site where this occurred is at a well pad with the name "Stenehjem" east of Watford City. I know the Stenehjem family is from this general area and that there are a number of Stenehjems – but I thought I'd touch base with your office to see if this is by chance on land owned by the attorney general (and if so, if he has a comment about what happened). Thanks, **Amy Sisk** Reporter, The Bismarck Tribune 701-250-8252 desk 701-425-6078 cell amy.sisk@bismarcktribune.com @amyrsisk on Twitter **From:** Haarsager, Katie A. [mailto:kahaarsager@nd.gov] **Sent:** Monday, January 24, 2022 4:59 PM **Subject:** Correction: News Release: Incident Reported in McKenzie County **This Message Is From an External Sender** This message came from outside your organization. Correction: The incident location is the Stenehjem 6H oil and gas well. **From:** Haarsager, Katie A. **Sent:** Monday, January 24, 2022 4:43 PM **Subject:** News Release: Incident Reported in McKenzie County **NEWS RELEASE** | **FOR IMMEDIATE RELEASE** | January 24, 2022 **Incident Reported in McKenzie County** BISMARCK, N.D. – The North Dakota Oil and Gas Division was notified of a release occurring Sunday, January 23 at the Stenehjem 6H oil and gas well , about 9 miles east of Watford City, North Dakota. Abraxas Petroleum Corporation reported that 435 barrels of produced water were released due to a vandalism incident which left valves open on location. The sheriff office was contacted by the operator. At the time of reporting 430 barrels had been recovered with vacuum trucks. Product was contained on-site and cleanup is underway. A state inspector has been to the location and will monitor cleanup required. Federal and state laws require federal and/or state agencies be notified in the event of accidental spillage of any materials that may pollute water, air or soil. More information about notifications and the public access tool can be found on North Dakota's Unified Spill Reporting System page at spill.nd.gov **For more information, contact:** Katie Haarsager, Public Information Specialist North Dakota Oil and Gas Division 600 E Boulevard Ave., Dept. 405 | Bismarck, ND 58505-0840 PHONE: 701-328-8036 | EMAIL: kahaarsager@nd.gov www.dmr.nd.gov ###
Attachments	image002[15827].jpg

Record 522

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:29:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:29:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:29:32.000 AM

Body	FYI. Liz **From:** Amy Sisk <Amy.Sisk@bismarcktribune.com> **Sent:** Tuesday, January 25, 2022 9:28 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Correction: News Release: Incident Reported in McKenzie County ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Liz, I'm writing a story about an oil field spill caused by vandalism this weekend (see press release below). The well site where this occurred is at a well pad with the name "Stenehjem" east of Watford City. I know the Stenehjem family is from this general area and that there are a number of Stenehjems – but I thought I'd touch base with your office to see if this is by chance on land owned by the attorney general (and if so, if he has a comment about what happened). Thanks, **Amy Sisk** Reporter, The Bismarck Tribune 701-250-8252 desk 701-425-6078 cell amy.sisk@bismarcktribune.com @amyrsisk on Twitter **From:** Haarsager, Katie A. [mailto:kahaarsager@nd.gov] **Sent:** Monday, January 24, 2022 4:59 PM **Subject:** Correction: News Release: Incident Reported in McKenzie County **This Message Is From an External Sender** This message came from outside your organization. Correction: The incident location is the Stenehjem 6H oil and gas well. **From:** Haarsager, Katie A. **Sent:** Monday, January 24, 2022 4:43 PM **Subject:** News Release: Incident Reported in McKenzie County **NEWS RELEASE** | **FOR IMMEDIATE RELEASE** | January 24, 2022 **Incident Reported in McKenzie County** BISMARCK, N.D. – The North Dakota Oil and Gas Division was notified of a release occurring Sunday, January 23 at the Stenehjem 6H oil and gas well , about 9 miles east of Watford City, North Dakota. Abraxas Petroleum Corporation reported that 435 barrels of produced water were released due to a vandalism incident which left valves open on location. The sheriff office was contacted by the operator. At the time of reporting 430 barrels had been recovered with vacuum trucks. Product was contained on-site and cleanup is underway. A state inspector has been to the location and will monitor cleanup required. Federal and state laws require federal and/or state agencies be notified in the event of accidental spillage of any materials that may pollute water, air or soil. More information about notifications and the public access tool can be found on North Dakota's Unified Spill Reporting System page at spill.nd.gov **For more information, contact:** Katie Haarsager, Public Information Specialist North Dakota Oil and Gas Division 600 E Boulevard Ave., Dept. 405 | Bismarck, ND 58505-0840 PHONE: 701-328-8036 | EMAIL: kahaarsager@nd.gov www.dmr.nd.gov ###
Attachments	image002[12466].jpg

Record 523

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:11:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:11:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:11:21.000 AM

Body	No, but I'm working on getting one for you. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 25, 2022 10:01 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County Do you have the legal description for this parcel? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, January 25, 2022 10:29:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County FYI. Liz **From:** Amy Sisk <Amy.Sisk@bismarcktribune.com> **Sent:** Tuesday, January 25, 2022 9:28 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Correction: News Release: Incident Reported in McKenzie County ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Liz, I'm writing a story about an oil field spill caused by vandalism this weekend (see press release below). The well site where this occurred is at a well pad with the name "Stenehjem" east of Watford City. I know the Stenehjem family is from this general area and that there are a number of Stenehjems – but I thought I'd touch base with your office to see if this is by chance on land owned by the attorney general (and if so, if he has a comment about what happened). Thanks, **Amy Sisk** Reporter, The Bismarck Tribune 701-250-8252 desk 701-425-6078 cell amy.sisk@bismarcktribune.com @amyrsisk on Twitter **From:** Haarsager, Katie A. [mailto:kahaarsager@nd.gov] **Sent:** Monday, January 24, 2022 4:59 PM **Subject:** Correction: News Release: Incident Reported in McKenzie County **This Message Is From an External Sender** This message came from outside your organization. Correction: The incident location is the Stenehjem 6H oil and gas well. **From:** Haarsager, Katie A. **Sent:** Monday, January 24, 2022 4:43 PM **Subject:** News Release: Incident Reported in McKenzie County **NEWS RELEASE** | **FOR IMMEDIATE RELEASE** | January 24, 2022 **Incident Reported in McKenzie County** BISMARCK, N.D. – The North Dakota Oil and Gas Division was notified of a release occurring Sunday, January 23 at the Stenehjem 6H oil and gas well , about 9 miles east of Watford City, North Dakota. Abraxas Petroleum Corporation reported that 435 barrels of produced water were released due to a vandalism incident which left valves open on location. The sheriff office was contacted by the operator. At the time of reporting 430 barrels had been recovered with vacuum trucks. Product was contained on-site and cleanup is underway. A state inspector has been to the location and will monitor cleanup required. Federal and state laws require federal and/or state agencies be notified in the event of accidental spillage of any materials that may pollute water, air or soil. More information about notifications and the public access tool can be found on North Dakota's Unified Spill Reporting System page at spill.nd.gov **For more information, contact:** Katie Haarsager, Public Information Specialist North Dakota Oil and Gas Division 600 E Boulevard Ave., Dept. 405 | Bismarck, ND 58505-0840 PHONE: 701-328-8036 | EMAIL: kahaarsager@nd.gov www.dmr.nd.gov ###
Attachments	image001[15828].jpg

Record 524

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:11:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:11:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:11:21.000 AM

Body	No, but I'm working on getting one for you. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 25, 2022 10:01 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County Do you have the legal description for this parcel? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, January 25, 2022 10:29:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County FYI. Liz **From:** Amy Sisk <Amy.Sisk@bismarcktribune.com> **Sent:** Tuesday, January 25, 2022 9:28 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Correction: News Release: Incident Reported in McKenzie County ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Liz, I'm writing a story about an oil field spill caused by vandalism this weekend (see press release below). The well site where this occurred is at a well pad with the name "Stenehjem" east of Watford City. I know the Stenehjem family is from this general area and that there are a number of Stenehjems – but I thought I'd touch base with your office to see if this is by chance on land owned by the attorney general (and if so, if he has a comment about what happened). Thanks, **Amy Sisk** Reporter, The Bismarck Tribune 701-250-8252 desk 701-425-6078 cell amy.sisk@bismarcktribune.com @amyrsisk on Twitter **From:** Haarsager, Katie A. [mailto:kahaarsager@nd.gov] **Sent:** Monday, January 24, 2022 4:59 PM **Subject:** Correction: News Release: Incident Reported in McKenzie County **This Message Is From an External Sender** This message came from outside your organization. Correction: The incident location is the Stenehjem 6H oil and gas well. **From:** Haarsager, Katie A. **Sent:** Monday, January 24, 2022 4:43 PM **Subject:** News Release: Incident Reported in McKenzie County **NEWS RELEASE** | **FOR IMMEDIATE RELEASE** | January 24, 2022 **Incident Reported in McKenzie County** BISMARCK, N.D. – The North Dakota Oil and Gas Division was notified of a release occurring Sunday, January 23 at the Stenehjem 6H oil and gas well , about 9 miles east of Watford City, North Dakota. Abraxas Petroleum Corporation reported that 435 barrels of produced water were released due to a vandalism incident which left valves open on location. The sheriff office was contacted by the operator. At the time of reporting 430 barrels had been recovered with vacuum trucks. Product was contained on-site and cleanup is underway. A state inspector has been to the location and will monitor cleanup required. Federal and state laws require federal and/or state agencies be notified in the event of accidental spillage of any materials that may pollute water, air or soil. More information about notifications and the public access tool can be found on North Dakota's Unified Spill Reporting System page at spill.nd.gov **For more information, contact:** Katie Haarsager, Public Information Specialist North Dakota Oil and Gas Division 600 E Boulevard Ave., Dept. 405 | Bismarck, ND 58505-0840 PHONE: 701-328-8036 | EMAIL: kahaarsager@nd.gov www.dmr.nd.gov ###
Attachments	image001[12468].jpg

Record 525

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Stenehjem Super Pad Wellsite is reported
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:29:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:29:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:29:56.000 AM

Body	**From:** Haarsager, Katie A. <kahaarsager@nd.gov> **Sent:** Tuesday, January 25, 2022 10:17 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Stenehjem Super Pad Wellsite is reported Here is the spill report – The well is spaced in the following spacing unit: Secs 27&34-150-97 Katie Haarsager *Public Information Officer* 701.328.8036 (o) • kahaarsager@nd.gov • www.dmr.nd.gov 701.328-8020 • oilandgasinfo@nd.gov • 600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505
Attachments	image001[15830].png, image002[15831].png, Spillform[16102].pdf

Record 526

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Stenehjem Super Pad Wellsite is reported
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:29:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:29:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:29:56.000 AM
Body	**From:** Haarsager, Katie A. <kahaarsager@nd.gov> **Sent:** Tuesday, January 25, 2022 10:17 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Stenehjem Super Pad Wellsite is reported Here is the spill report – The well is spaced in the following spacing unit: Secs 27&34-150-97 Katie Haarsager *Public Information Officer* 701.328.8036 (o) • kahaarsager@nd.gov • www.dmr.nd.gov 701.328-8020 • oilandgasinfo@nd.gov • 600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505
Attachments	image001[12470].png, image002[12471].png, Spillform[12752].pdf

Record 527

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FYI - call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:29:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:29:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:29:26.000 PM

Body	Judge Wade Webb called, said you had his cell phone and would you call at your convenience (he knows you are not available today but not why). He also asked me to let you know that he was going to call in the next few days to talk to Troy about the effect of him running for AG, if that's what he decides to do, would have on his PERS benefits, and he's already called PERS and they couldn't tell him so he figured Troy would know. Liz

Record 528

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FYI - call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:29:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:29:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:29:26.000 PM
Body	Judge Wade Webb called, said you had his cell phone and would you call at your convenience (he knows you are not available today but not why). He also asked me to let you know that he was going to call in the next few days to talk to Troy about the effect of him running for AG, if that's what he decides to do, would have on his PERS benefits, and he's already called PERS and they couldn't tell him so he figured Troy would know. Liz

Record 529

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:54:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:54:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:54:04.000 PM
Body	Rep. Terry Jones stopped in, said there's a group of constituents who are consulting today with an attorney re. bringing a lawsuit against the state re. redistricting and he believes from when he spoke to you about it during the special session that you said we would defend the state but we couldn't intervene as an alternative litigation to adjudicate. He said if that's correct, then things will play out. If that's not correct and we can intervene to adjudicate, to contact him. Liz

Record 530

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:54:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:54:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:54:04.000 PM
Body	Rep. Terry Jones stopped in, said there's a group of constituents who are consulting today with an attorney re. bringing a lawsuit against the state re. redistricting and he believes from when he spoke to you about it during the special session that you said we would defend the state but we couldn't intervene as an alternative litigation to adjudicate. He said if that's correct, then things will play out. If that's not correct and we can intervene to adjudicate, to contact him. Liz

Record 531

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov

Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	open record request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:57:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:57:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:57:36.000 AM
Body	I have an open record request for any electronic communications "to or from Texas Attorney General Ken Paxton" between December 1, 2020, and January 31, 2021. Liz

Record 532

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Subject	open record request
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:57:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:57:36.000 AM

Record 533

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	agall@nd.gov
Subject	FYI - Wayne
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:26:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:26:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:26:51.000 AM
Body	As some of you may already be aware, Wayne has been ill this week. Unfortunately, this morning his condition worsened, and he was taken by ambulance to Sanford Hospital and admitted. I am sure he will appreciate your positive thoughts while he recovers. Liz

Record 534

Sender Name	Brocker, Liz
Sender Email	lbrocker@nd.gov
Recipients	agall@nd.gov
Subject	Wayne
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 6:52:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 6:52:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 6:52:44.000 PM
Body	Unfortunately, Wayne's condition worsened throughout the day and despite every measure taken, the doctors were unable to save him. Wayne passed away at about 6:20 pm. I know this is a shock to everyone. Funeral arrangements are pending. Liz

Record 535

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Bottineau County Death
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:10:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:10:22.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:10:23.000 AM
Body	Wayne and Troy, Please see below an update on a request for assistance from Bottineau County from S/A Allen Kluth. The case seems pretty straight forward and is hopefully a nervous husband moving a wife needing medical care. I wanted you to have the information incase the main office receives any calls from the Bottineau area. Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 lgrabowska@nd.gov **From:** Leingang, Ben <bleingang@nd.gov> **Sent:** Wednesday, December 22, 2021 9:58 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov> **Subject:** FW: Bottineau County Death Lonnie, Please see Pat's narrative below regarding a case SA Kluth assisted Bottineau County with. Thank you Ben **From:** Lenertz, Pat J. <pjlenertz@nd.gov> **Sent:** Wednesday, December 22, 2021 9:36 AM **To:** Leingang, Ben <bleingang@nd.gov> **Subject:** Bottineau County Death Ben, In the late afternoon hours on December 21, 2021, S/A Kluth was contacted by a Bottineau Co Deputy regarding a suspicious death at a rural residence. S/A Kluth responded and assisted with obtaining a search warrant and the eventual search of the house. The decedent was Lorri Prevost, born in 1961 and her husband was William Prevost, born in 56. The wife was feeling sick and apparently fell, hitting her head on the way down. The husband called for an ambulance while dragging his wife out of the home in the meantime. The female was determined deceased by a coroner on scene. There were wounds on the decedent's head that appeared odd but possible. The husband cooperated with law enforcement and the body was taken to a funeral home for the time being. S/A Kluth was going to talk with the ME's office this morning to determine whether an autopsy would be necessary as it appears much of the story matches up, just odd looking wounds on the decedent's head. .Supervisory Special Agent Patrick Lenertz ND Bureau of Criminal Investigation PO Box 1348 Minot, ND 58702 §44-04-18.3 PJLENERTZ@ND.GOV
CC	lbrocker@nd.gov
Attachments	image001[14938].gif, image002[14939].jpg

Record 536

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Bottineau County Death
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:10:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:10:22.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:10:23.000 AM

Body	Wayne and Troy, Please see below an update on a request for assistance from Bottineau County from S/A Allen Kluth. The case seems pretty straight forward and is hopefully a nervous husband moving a wife needing medical care. I wanted you to have the information incase the main office receives any calls from the Bottineau area. Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 lgrabowska@nd.gov **From:** Leingang, Ben <bleingang@nd.gov> **Sent:** Wednesday, December 22, 2021 9:58 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov> **Subject:** FW: Bottineau County Death Lonnie, Please see Pat's narrative below regarding a case SA Kluth assisted Bottineau County with. Thank you Ben **From:** Lenertz, Pat J. <pjlenertz@nd.gov> **Sent:** Wednesday, December 22, 2021 9:36 AM **To:** Leingang, Ben <bleingang@nd.gov> **Subject:** Bottineau County Death Ben, In the late afternoon hours on December 21, 2021, S/A Kluth was contacted by a Bottineau Co Deputy regarding a suspicious death at a rural residence. S/A Kluth responded and assisted with obtaining a search warrant and the eventual search of the house. The decedent was Lorri Prevost, born in 1961 and her husband was William Prevost, born in 56. The wife was feeling sick and apparently fell, hitting her head on the way down. The husband called for an ambulance while dragging his wife out of the home in the meantime. The female was determined deceased by a coroner on scene. There were wounds on the decedent's head that appeared odd but possible. The husband cooperated with law enforcement and the body was taken to a funeral home for the time being. S/A Kluth was going to talk with the ME's office this morning to determine whether an autopsy would be necessary as it appears much of the story matches up, just odd looking wounds on the decedent's head. .Supervisory Special Agent Patrick Lenertz ND Bureau of Criminal Investigation PO Box 1348 Minot, ND 58702 §44-04-18.3 PJLENERTZ@ND.GOV
CC	lbrocker@nd.gov
Attachments	image001[11489].gif, image002[11490].jpg

Record 537

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Cell number
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 9:17:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 9:17:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 9:17:03.000 AM

Body	Wayne, The cell phone number for Heather Banker is 701-333-9440. Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 lgrabowska@nd.gov
Attachments	image001[15080].gif, image002[15081].jpg

Record 538

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Cell number
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 9:17:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 9:17:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 9:17:03.000 AM
Body	Wayne, The cell phone number for Heather Banker is 701-333-9440. Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 lgrabowska@nd.gov
Attachments	image001[11656].gif, image002[11657].jpg

Record 539

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	NDBCI December Cyber Crime Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 9:58:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 9:58:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 9:58:44.000 AM

Body	Wayne and Troy, Please find attached the December Cyber Crime Report for your review. Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 lgrabowska@nd.gov
Attachments	15930.docx, image001[15135].gif, image003[15136].jpg

Record 540

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	NDBCI December Cyber Crime Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 9:58:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 9:58:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 9:58:44.000 AM
Body	Wayne and Troy, Please find attached the December Cyber Crime Report for your review. Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 lgrabowska@nd.gov
Attachments	12566.docx, image001[11733].gif, image003[11734].jpg

Record 541

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: LaMoure Co Suicide
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 11:58:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 11:58:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 11:58:56.000 AM

Body	Wayne and Troy, Please find below an overview of a call for assistance for a suicide from the LaMoure County Sheriffs Department. Tragic loss of a young man. S/A's Troy Kelly and Shawn Banet did a great job with a tough and emotional scene. Thank you, Lonnie Get Outlook for iOS **From:** Banet, Shawn J. <sbanet@nd.gov> **Sent:** Saturday, January 8, 2022 11:43 AM **To:** Grabowska, Lonnie; Miller, Casey J.; Rummel, Arnie; TK427 **Subject:** Re: LaMoure Co Suicide To add to this I would like to strongly commend the LaMoure Ambulance in going above and beyond their duty by offering to clean up the scene after we were done processing. The whole crew without hesitation cleaned up the biological material and blood so that the family wasn't retraumatized by dealing with he aftermath of their child's suicide. It is truly an honor to work with such great communities that care for one an other to that level. Shawn Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation §44-04-18.3 Office: 701-251-2993 **From:** Banet, Shawn J. **Sent:** Saturday, January 8, 2022 11:33:37 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Miller, Casey J. <cajmiller@nd.gov>; Rummel, Arnie <arummel@nd.gov>; TK427 <tk427@nd.gov> **Subject:** LaMoure Co Suicide Thursday night S/A Kelly and myself assisted LaMoure County SO with the investigation of a suicide involving a 15 year old juvenile male. Upon arrival we were advised by the Sheriff that the in the evening 12.1-35-03 went to his room locking the door behind himself. After some time his mother Ann went to his door to ask him to come out to play a card game with the family. It was at this point that she discovered that the door was locked. Ann then asked 12.1-35- to unlock the door as per their family rules the kids were not allowed to lock their doors 12.1-35- did not respond. Ann went out to the kitchen to let her husband (Brett) know. It was at this time they heard a loud noise. Brett unlocked the door with a screwdriver and discovered 12.1-35- laying on the floor on top of his shot gun surrounded by a large pool of blood. Upon interviewing the family I was advised that the family wasn't into hunting or guns but 12.1-35- had expressed interest in wanting to start to bird hunt. The parents decided with 12.1-35- recent interest they would give him a shot gun for Christmas along with a box of bird shot. Further discussion reviled that 12.1-35- was a straight A student and an athlete. No recent break ups or apparent issues with his peers. Recently 12.1-35- did get into trouble for disrespecting his mother but the family did not disclose that it was anything beyond normal teenage issues. Preliminary searching of 12.1-35- cell phone has not reviewed any obvious red flags, beyond online searches (relating to suicide and suicide by shotgun) that 12.1-35- did prior to committing suicide. 12.1-35-03 brother Charlie did disclose that LaMoure high school does have a significant amount of bullying but was unaware of any major issues that would have been affecting 12.1-35-03 12.1-35- did leave a note next to his phone stating "Your Loss." Preliminary autopsy results are constant with what we saw on scene, ruling the death as a suicide with the manor of death being a single oral gunshot wound. After talking with the family they agreed to allow me to give our victim advocates their information to possibly offer some assistance in going through this process. The following is a brief synopsis of the family: Father Charles Brett Bowman (goes by Brett) Mother Ann Bowman Charlie Bowman (senior in HS) 12.1-35-03 victim, was a sophomore in HS) I will be pulling a case number on Monday and will have my initial report submitted early next week. If you have more questions feel free to let me know. Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation §44-04-18.3 Office: 701-251-2993

Record 542

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: LaMoure Co Suicide
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 11:58:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 11:58:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 11:58:56.000 AM

Body	Wayne and Troy, Please find below an overview of a call for assistance for a suicide from the LaMoure County Sheriffs Department. Tragic loss of a young man. S/A's Troy Kelly and Shawn Banet did a great job with a tough and emotional scene. Thank you, Lonnie Get Outlook for iOS **From:** Banet, Shawn J. <sbanet@nd.gov> **Sent:** Saturday, January 8, 2022 11:43 AM **To:** Grabowska, Lonnie; Miller, Casey J.; Rummel, Arnie; TK427 **Subject:** Re: LaMoure Co Suicide To add to this I would like to strongly commend the LaMoure Ambulance in going above and beyond their duty by offering to clean up the scene after we were done processing. The whole crew without hesitation cleaned up the biological material and blood so that the family wasn't retraumatized by dealing with he aftermath of their child's suicide. It is truly an honor to work with such great communities that care for one an other to that level. Shawn Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation §44-04-18.3 Office: 701-251-2993 **From:** Banet, Shawn J. **Sent:** Saturday, January 8, 2022 11:33:37 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Miller, Casey J. <cajmiller@nd.gov>; Rummel, Arnie <arummel@nd.gov>; TK427 <tk427@nd.gov> **Subject:** LaMoure Co Suicide Thursday night S/A Kelly and myself assisted LaMoure County SO with the investigation of a suicide involving a 15 year old juvenile male. Upon arrival we were advised by the Sheriff that the in the evening 12.1-35-03 went to his room locking the door behind himself. After some time his mother Ann went to his door to ask him to come out to play a card game with the family. It was at this point that she discovered that the door was locked. Ann then asked 12.1-35-0 to unlock the door as per their family rules the kids were not allowed to lock their doors 12.1-35-0 did not respond. Ann went out to the kitchen to let her husband (Brett) know. It was at this time they heard a loud noise. Brett unlocked the door with a screwdriver and discovered 12.1-35- laying on the floor on top of his shot gun surrounded by a large pool of blood. Upon interviewing the family I was advised that the family wasn't into hunting or guns but 12.1-35- had expressed interest in wanting to start to bird hunt. The parents decided with 12.1-35- recent interest they would give him a shot gun for Christmas along with a box of bird shot. Further discussion reviled that 12.1-35- was a straight A student and an athlete. No recent break ups or apparent issues with his peers. Recently 12.1-35- did get into trouble for disrespecting his mother but the family did not disclose that it was anything beyond normal teenage issues. Preliminary searching of 12.1-35- cell phone has not reviewed any obvious red flags, beyond online searches (relating to suicide and suicide by shotgun) that 12.1-35- did prior to committing suicide. 12.1-35-03 brother Charlie did disclose that LaMoure high school does have a significant amount of bullying but was unaware of any major issues that would have been affecting 12.1-35-03 12.1-35-0 did leave a note next to his phone stating "Your Loss." Preliminary autopsy results are constant with what we saw on scene, ruling the death as a suicide with the manor of death being a single oral gunshot wound. After talking with the family they agreed to allow me to give our victim advocates their information to possibly offer some assistance in going through this process. The following is a brief synopsis of the family: Father Charles Brett Bowman (goes by Brett) Mother Ann Bowman Charlie Bowman (senior in HS) 12.1-35-03 victim, was a sophomore in HS) I will be pulling a case number on Monday and will have my initial report submitted early next week. If you have more questions feel free to let me know. Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation §44-04-18.3 Office: 701-251-2993

Record 543

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, aeisenbeis@nd.gov
Subject	Bryan Lang's father
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 9:32:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 9:32:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 9:32:56.000 AM

Body	Wayne and Troy, Special Agent Bryan Lang's (Devils Lake BCI) father passed away last evening at the age of 81. His father died in the Devils Lake hospital of congestive heart issues that he has been battling for several months. Bryan said that he and his family were able to be around him and he passed away peacefully. I will try to pass on any funeral arrangements as we hear of them. Thank you, Lonnie Get Outlook for iOS

Record 544

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, aeisenbeis@nd.gov
Subject	Bryan Lang's father
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 9:32:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 9:32:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 9:32:56.000 AM
Body	Wayne and Troy, Special Agent Bryan Lang's (Devils Lake BCI) father passed away last evening at the age of 81. His father died in the Devils Lake hospital of congestive heart issues that he has been battling for several months. Bryan said that he and his family were able to be around him and he passed away peacefully. I will try to pass on any funeral arrangements as we hear of them. Thank you, Lonnie Get Outlook for iOS

Record 545

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: 2021 WCNTF Yearly Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:05:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:05:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:05:45.000 PM

Body	Wayne and Troy, Please find attached an annual overview of the work completed by the Ward County Narcotics Task Force (WCNTF). The information provides a great overview about the work completed out of the Minot BCI area. Thank you, Lonnie Get Outlook for iOS **From:** RB416 <rb416@nd.gov> **Sent:** Monday, January 10, 2022 4:27:13 PM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Leingang, Ben <bleingang@nd.gov>; Lenertz, Pat J. <pjlenertz@nd.gov> **Cc:** John Klug <john.klug@minotnd.org>; Dale Plessas <dale.plessas@minotnd.org>; Robert Roed <Robert.Roed@co.ward.nd.us>; Larry Hubbard <Larry.Hubbard@co.ward.nd.us>; Larson, Rozanna C. <roza.larson@co.ward.nd.us> **Subject:** 2021 WCNTF Yearly Report **All,** **Attached are the numbers generated by the TF for calendar 2021. I'm sure that you will agree that the numbers were staggering this year. If you have any questions about either of the 3 reports, please feel free to contact me and I will do my best to explain things. The fentanyl/heroin and Oxycodone/fentanyl numbers were a little hard to separate as they tend to fall under both categories but I think you will get the jest of it. Bottom line, lots of fentanyl disguised as something else which equals lots of overdoses and deaths. Thank you for your time and attention to this document. RB** **S/A Robert O. Browne, NDBCI/Minot** **Ward County Narcotics Task Force Coordinator**
Attachments	15907.docx, 15909.pptx, 15908.docx

Record 546

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: 2021 WCNTF Yearly Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:05:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:05:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:05:45.000 PM

Body	Wayne and Troy, Please find attached an annual overview of the work completed by the Ward County Narcotics Task Force (WCNTF). The information provides a great overview about the work completed out of the Minot BCI area. Thank you, Lonnie Get Outlook for iOS **From:** RB416 <rb416@nd.gov> **Sent:** Monday, January 10, 2022 4:27:13 PM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Leingang, Ben <bleingang@nd.gov>; Lenertz, Pat J. <pjlenertz@nd.gov> **Cc:** John Klug <john.klug@minotnd.org>; Dale Plessas <dale.plessas@minotnd.org>; Robert Roed <Robert.Roed@co.ward.nd.us>; Larry Hubbard <Larry.Hubbard@co.ward.nd.us>; Larson, Rozanna C. <roza.larson@co.ward.nd.us> **Subject:** 2021 WCNTF Yearly Report All, Attached are the numbers generated by the TF for calendar 2021. I'm sure that you will agree that the numbers were staggering this year. If you have any questions about either of the 3 reports, please feel free to contact me and I will do my best to explain things. The fentanyl/heroin and Oxycodone/fentanyl numbers were a little hard to separate as they tend to fall under both categories but I think you will get the jest of it. Bottom line, lots of fentanyl disguised as something else which equals lots of overdoses and deaths. Thank you for your time and attention to this document. RB S/A Robert O. Browne, NDBCI/Minot Ward County Narcotics Task Force Coordinator
Attachments	12543.docx, 12545.pptx, 12544.docx

Record 547

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	Re: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:13:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:13:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:13:24.000 AM

Body	Wayne, I've spoke to our supervisor Pat Lenertz and I'm tracking down Charissa now. As soon as I get a hold of her, I will have her give you a call on your cell number so she can brief you directly. The case is a bit complicated so I figured it's easier if we just have Charissa call you directly and she can answer any questions you may have. Thank you, Lonnie Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 11, 2022 11:01:08 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Williston Thanks **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Tuesday, January 11, 2022 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Williston I will reach directly out to Charissa and find out. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 11, 2022 10:50:46 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Williston Do either of you know anything about this? Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? *Jack McDonald* WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 548

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	Re: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:13:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:13:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:13:24.000 AM

Body	Wayne, I've spoke to our supervisor Pat Lenertz and I'm tracking down Charissa now. As soon as I get a hold of her, I will have her give you a call on your cell number so she can brief you directly. The case is a bit complicated so I figured it's easier if we just have Charissa call you directly and she can answer any questions you may have. Thank you, Lonnie Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 11, 2022 11:01:08 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Williston Thanks **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Tuesday, January 11, 2022 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Williston I will reach directly out to Charissa and find out. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 11, 2022 10:50:46 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Williston Do either of you know anything about this? Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 549

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: §44-04-18.3; §44-04-18.7 for Case §44-04-18.3; §44-04-18
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 6:41:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 6:41:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 6:41:02.000 PM

Body	Wayne and Troy, Please see below and update on a joint narcotics case led by the Fargo task force and partnered with DEA. The agents and the TF did a great job! The case was quite lengthy and took numerous days of surveillance. Lonnie Get Outlook for iOS **From:** Borowski, Stephen G. <Stephen.G.Borowski@dea.gov> **Sent:** Thursday, January 13, 2022 5:11 PM **To:** Denis E. Otterness; David Zibolski; Shane.P.Conroy@ice.dhs.gov; Franklin, Shelby; Grabowska, Lonnie; Jahner, Jesse F.; Miller, Casey J.; Shannon Monroe; Mark Empting **Cc:** VonTrytek (Warner), Angela S. **Subject:** FW: SEAR-2022-01923 for Case #IM-19-0019 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Great job yesterday to everyone with the arrest of MOORE. Below is what was put out DEA-wide from the Omaha Division. This is another great example of the cooperation here, and the greater Community is certainly safer with MOORE off the street. As always, thank you for the partnerships. Steve Stephen G. Borowski Resident Agent in Charge U.S. Drug Enforcement Administration Fargo Resident Office Bismarck Post of Duty §44-04-18.3 §44-04-18.3 **Significant Activity:** Arrests; Seized Currency; Seized Drugs; Seized Vehicles; Seized Weapons **Summary of Significant Activity:** §44-04-18.3; §44-04-18.7 **Summary of Enforcement Activity:** §44-04-18.3; §44-04-18.7

Record 550

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: §44-04-18.3; §44-04-18.7 for Case #§44-04-18.3; §44-04-
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 6:41:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 6:41:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 6:41:02.000 PM

Body	Wayne and Troy, Please see below and update on a joint narcotics case led by the Fargo task force and partnered with DEA. The agents and the TF did a great job! The case was quite lengthy and took numerous days of surveillance. Lonnie Get Outlook for iOS **From:** Borowski, Stephen G. <Stephen.G.Borowski@dea.gov> **Sent:** Thursday, January 13, 2022 5:11 PM **To:** Denis E. Otterness; David Zibolski; Shane.P.Conroy@ice.dhs.gov; Franklin, Shelby; Grabowska, Lonnie; Jahner, Jesse F.; Miller, Casey J.; Shannon Monroe; Mark Empting **Cc:** VonTrytek (Warner), Angela S. **Subject:** FW: SEAR-2022-01923 for Case #IM-19-0019 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Great job yesterday to everyone with the arrest of MOORE. Below is what was put out DEA-wide from the Omaha Division. This is another great example of the cooperation here, and the greater Community is certainly safer with MOORE off the street. As always, thank you for the partnerships. Steve Stephen G. Borowski Resident Agent in Charge U.S. Drug Enforcement Administration Fargo Resident Office Bismarck Post of Duty §44-04-18.3 §44-04-18.3 **Significant Activity:** Arrests; Seized Currency; Seized Drugs; Seized Vehicles; Seized Weapons **Summary of Significant Activity:** §44-04-18.3; §44-04-18.7 **Summary of Enforcement Activity:** §44-04-18.3; §44-04-18.7

Record 551

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re: Gov Finance Comments Feb 9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:35:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:35:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:35:24.000 PM

Body	Sounds good. I am at am Executive Board meeting for HIDTA today and tomorrow. I return to Bismarck late tomorrow night, and will be in the office Thursday morning. I will copy Liz on this reply for scheduling a meeting. Thank you, Lonnie Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 18, 2022 1:17 PM **To:** Seibel, Troy T.; Grabowska, Lonnie **Subject:** FW: Gov Finance Comments Feb 9 We will need to visit about this. Wayne **From:** Mathiak, Adam <amathiak@nd.gov> **Sent:** Tuesday, January 18, 2022 12:50 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Knudson, Allen H. <aknudson@nd.gov> **Subject:** Gov Finance Comments Feb 9 Representative Michael Howe, Chairman, has called a meeting of the Government Finance Committee for **Wednesday, February 9, 2022, beginning at 10:00 a.m**. Pursuant to Section 1 of House Bill No. 1494, the Government Finance Committee is studying the recruitment and retention of law enforcement and correctional officers. Representative Howe asks that you or your representative arrange to provide comments **(approximately 20 minutes)** along with two other state agencies between **1:05 and 2:05 p.m.** regarding the recruitment, retention, turnover, and training of law enforcement and correctional officers. Presenters should deliver their presentations in person to the committee except in rare cases when the presenter's physical presence is not possible. Remote presentations must be approved by the chairman of the committee prior to the meeting. All presenters are asked to submit an electronic copy of their presentation in advance of committee meetings. A copy of the presentation will be attached to the committee meeting agenda for viewing electronically by committee members and members of the public. **Please submit an electronic copy of the presentation to Adam Mathiak (amathiak@nd.gov) by 2:00 p.m. on Tuesday, February 8, 2022, the day before the meeting.** In addition, presenters are asked to bring paper copies of their presentation to distribute at the meeting. Please bring 20 paper copies to ensure enough copies are available for the committee. The meeting notice and agenda have been posted to the committee's webpage . **Please respond to this email or call me at the number shown below to confirm your presentation to the committee.** Please contact me if you have any questions regarding the committee meeting. Thank you. **Adam Mathiak** ND Legislative Council 701-328-2936 amathiak@nd.gov
CC	lbrocker@nd.gov

Record 552

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re: Gov Finance Comments Feb 9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:35:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:35:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:35:24.000 PM

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CC	lbrocker@nd.gov

Record 553

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: SD AG
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:18:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:18:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:18:14.000 PM

Body	Wayne and Troy, Special agent Jeramie Quam sent us this link regarding his testimony in the South Dakota AG case. He stated it's a nice overview of how the process works for them. Jeramie stated the questioning very much lead toward if the North Dakota investigation was changed or altered in anyway from normal processes. Jeremy believes the legislators are trying to establish if the SD governor's office had any influence on the direction of the investigation. Jeramie's testimony was that the South Dakota case it would've been handled the same way in North Dakota. Special Joe Arenz will be testifying today. Thank you, Lonnie Get Outlook for iOS **From:** Miller, Casey J. <cajmiller@nd.gov> **Sent:** Wednesday, January 19, 2022 4:06 PM **To:** Grabowska, Lonnie **Subject:** SD AG https://www.keloland.com/keloland-com-original/live-updates-from-pierre-fourth-committee-meeting-on-ravnsborg-impeachment/amp/ Get Outlook for iOS

Record 554

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: SD AG
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:18:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:18:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:18:14.000 PM
Body	Wayne and Troy, Special agent Jeramie Quam sent us this link regarding his testimony in the South Dakota AG case. He stated it's a nice overview of how the process works for them. Jeramie stated the questioning very much lead toward if the North Dakota investigation was changed or altered in anyway from normal processes. Jeremy believes the legislators are trying to establish if the SD governor's office had any influence on the direction of the investigation. Jeramie's testimony was that the South Dakota case it would've been handled the same way in North Dakota. Special Joe Arenz will be testifying today. Thank you, Lonnie Get Outlook for iOS **From:** Miller, Casey J. <cajmiller@nd.gov> **Sent:** Wednesday, January 19, 2022 4:06 PM **To:** Grabowska, Lonnie **Subject:** SD AG https://www.keloland.com/keloland-com-original/live-updates-from-pierre-fourth-committee-meeting-on-ravnsborg-impeachment/amp/ Get Outlook for iOS

Record 555

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Case update from CCDTF for "Tango Blast" gang member
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:59:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:59:11.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:59:16.000 AM
Body	Wayne and Troy, Please find below an overview of a drug search and attached photos from the Cass County Drug Task Force (CCDTF) related to a connected cartel-related gang member of the "Tango Blast" gang from the Houston, Texas area. You can "Wikipedia" Tango Blast for a quick overview of the criminal enterprise. The photos are of the confiscated guns, drugs, and money and the suspect. The third photo is S/A Voeltz after too many hours of surveillance! A really great case for the Fargo area! Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 · office §44-04-18.3 lgrabowska@nd.gov **From:** Franklin, Shelby <sfranklin@nd.gov> **Sent:** Friday, January 21, 2022 10:08 AM **To:** Brock Klettke (brock.r.klettke.mil@mail.mil) <brock.r.klettke.mil@mail.mil>; Miller, Casey J. <cajmiller@nd.gov>; Grabowska, Lonnie <lgrabowska@nd.gov>; Greg Warren (Greg.Warren@westfargond.gov) <Greg.Warren@westfargond.gov>; Jones, Lori J. <jonesl@casscountynd.gov>; Rummel, Arnie <arummel@nd.gov>; Schmitz Olson, Kara S. <olsonka@casscountynd.gov>; Shane Orn <shane.orn@westfargond.gov>; Stading, Joel <stadingj@casscountynd.gov> **Cc:** Jahner, Jesse F. <jahnerj@casscountynd.gov>; Denis E. Otterness <denis.otterness@westfargond.gov>; David Zibolski <dzibolski@fargond.gov>; TMorris@fargond.gov **Subject:** Case update Good morning TF board, At the last quarterly meeting I gave a brief rundown of a case we were currently working involving the Tango Blast gang members from Houston, TX. Last night we took the main individual, Joel Quinonez, and his girlfriend, Jaimie Garcia into custody. This involved a very in-depth safety plan due to the intelligence we had that Quinonez was armed and violent. When we confronted Quinonez in a hotel parking lot he attempted to reach for his firearm, but due the safety plan put together by Sgt. Orn, Sgt. Morris, and TFO Kyle Hinrichs, he was not able to retrieve it fast enough. It was a tense moment, but eventually he complied and was taken into custody. We were crammed in our takedown van, and also in the hotel room adjacent to Quinonez's, for approximately 7 hours but in the end it paid off. He had 2 stolen firearms in each pocket, and a 3rd firearm in his backpack. He was also in possession of 2.6 pounds of methamphetamine, 1 oz of heroin, and $6,121. After he was in custody he made some comments that were also concerning regarding killing whoever "snitched" on him. I would like to commend TFO Hinrichs, as well as the whole team who contributed, to this investigation (Including our Minnesota partners). Many hours went into this investigation. I believe the community is much safer with this individual in jail. I've attached some photos for you to review. This is an ongoing investigation. Thank you, Special Agent Shelby Franklin North Dakota Bureau of Criminal Investigation Cass County Drug Task Force Coordinator PO Box 9038 Fargo, ND 58106 §44-04-18.3
Attachments	image001[15789].png, image002[15790].jpg, image003[15794].gif, image004[15795].jpg, IMG_3143[15850].JPEG, IMG_4300[15852].jpg, pastedImage[15851].png

Record 556

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Subject	Case update from CCDTF for "Tango Blast" gang member

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:59:11.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:59:16.000 AM

Record 557

Sender Name	Grabowska, Lonnie
Sender Email	lgrabowska@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Special Agent Bryan Lang
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 4:50:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 4:50:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 4:50:06.000 PM
Body	Wayne and Troy, I wanted to pass on an update regarding Special Agent Bryan Lang in our Devils Lake NDBCI Office. Bryan let us know today that he is going to be pulling a petition and running for the Ramsey County Sheriff. Bryan has discussed this decision with his family and the current Sheriff Steve Nelson. Sheriff Nelson is going to run again, but supports Bryan running also. Steve is ready to retire and has talked to Bryan for some time about being done due to health reasons. I wanted you to know Bryan will be running for the Office in Ramsey County and would do an amazing job! If elected, he will be a great proponent of the NDOAG and NDBCI. Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 ell lgrabowska@nd.gov
Attachments	image001[12783].gif, image002[12784].jpg

Record 558

Sender Name	Mickelson, Lori S.
Sender Email	lmickelson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	IC Loans for Dec 20, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:18:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:18:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:18:37.000 PM

Body	Hi Wayne, Congratulations on your decision! I am happy for you, but sad for us. It is truly a pleasure working for you and the OAG. □□ There are 2 loans for next week. I'll leave the binder with Liz. **North Dakota Mill & Elevator** NDCC §6-08.1-03; NDCC §6-09-35 **Industrial Commission** NDCC §6-08.1-03; NDCC §6-09-35

Record 559

Sender Name	Mickelson, Lori S.
Sender Email	lmickelson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	IC Loans for Dec 20, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:18:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:18:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:18:37.000 PM

Body	Hi Wayne, Congratulations on your decision! I am happy for you, but sad for us. It is truly a pleasure working for you and the OAG. □□ There are 2 loans for next week. I'll leave the binder with Liz. **North Dakota Mill & Elevator** NDCC §6-08.1-03; NDCC §6-09-35 **Industrial Commission** NDCC §6-08.1-03; NDCC §6-09-35

Record 560

Sender Name	Mickelson, Lori S.
Sender Email	lmickelson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	IC Loan for January 21, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:27:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:27:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:27:31.000 PM

Body	Hi Wayne, 1 loan for tomorrow. I'll get the binder to Liz. **Riverview Hotel LLC** NDCC §6-08.1-03; NDCC §6-09-35

Record 561

Sender Name	Mickelson, Lori S.
Sender Email	lmickelson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	IC Loan for January 21, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:27:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:27:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:27:31.000 PM
Body	Hi Wayne, 1 loan for tomorrow. I'll get the binder to Liz. **Riverview Hotel LLC** NDCC §6-08.1-03; NDCC §6-09-35

Record 562

Sender Name	Erickson, Ladd R.
Sender Email	lrerickson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	hydrogen hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:52:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:52:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:52:07.000 AM
Body	Wayne - this hydrogen hub funding is heading to the IC. We started looking into it after the Governor publically supported it in June. I haven't found evidence yet that this isn't just a grift for subsidies that will ever work in ND, and those requests for state funds will ever end on this thing. There is one big NEPA legal issue what hasn't be thought through by anyone on this also. I would need about an hour to lay out the evidence I have if you're interested? Busy today however.....Right now there is no reason for state funding commitments to this since part of the federal policy that it would take to make a go of it hasn't passed Congress yet and may not.....The Gov going so hard in public so early on this has stymied a critical staff review of relevant issues...Thx Ladd

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Bismarck Tribune story ...

Hydrogen hub, Coal Creek projects among those recommended for state funding

- AMY R. SISK

Proposals to establish a hydrogen hub in North Dakota and to retrofit Coal Creek Station with a carbon capture system are among the projects recommended for funding assistance via a new arm of state government focused on clean energy.

The eight voting members of the Clean Sustainable Energy Authority met Tuesday and recommended the state award a combined $28 million in grants and $135 million in loans to six applicants.

The three-member Industrial Commission, chaired by Gov. Doug Burgum, will have the final say over which projects receive funding. The commission is expected to make those decisions when it meets on Monday. Future funding rounds slated for 2022 are meant to allocate $17 million in remaining grant dollars and $115 million in loans.

The recommendations made Tuesday were unanimous except for one no vote on a proposal from the company Bakken Energy for money to support engineering and design work for its planned hydrogen hub.

Authority member Christopher Friez of North American Coal said unanswered questions surround the project, which aims to convert the Great Plains Synfuels Plant near Beulah for hydrogen production. The plant for decades has produced synthetic natural gas from coal mined at one of North American Coal's mines, along with a host of other products.

Others members of the energy authority supported the proposal, saying it could help put natural gas produced in western North Dakota's oil fields to use. Bakken Energy anticipates the market for hydrogen will grow substantially in future years. Its hydrogen could be used to fuel large trucks and other vehicles.

The authority recommended a $10 million grant and an $80 million loan to support the hydrogen project.

The panel also suggested the Industrial Commission award the following:

- A $7 million grant and a $40 million loan for Cerilion, which is developing a plant in Trenton that will convert natural gas into liquid fuels.
- A $7 million grant for the University of North Dakota's Energy & Environmental Research Center, which is working on the engineering and design of a system to capture the carbon dioxide emissions from Coal Creek, the state's largest coal-fired power plant. Carbon emissions released into the atmosphere contribute to climate change.
- A $3 million grant to Midwest AgEnergy for its carbon capture and storage project at Blue Flint Ethanol in McLean County.

Body

- A $1 million grant for Wellspring Hydro to source lithium and other products from saltwater produced in the oil fields. Lithium is used to make batteries and other products.

- A $15 million loan for Valence Natural Gas Solutions to expand the use of its mobile devices that capture natural gas that would otherwise be wastefully flared.

The energy authority recommended against funding Marathon Oil's proposal to install devices meant to reduce flaring at its oil field sites. Members indicated that they supported the project but did not want to help fund it because the technology is already commercially available. The goal of the Clean Sustainable Energy Authority is to promote the commercialization of emerging technology.

The Legislature established the energy authority this year, designating $25 million for grants to support projects, in addition to $20 million for hydrogen-related proposals. Lawmakers also made $250 million available in loans through a line of credit from the Bank of North Dakota.

Hydrogen

Leaders of the projects vying for funding each made pitches Tuesday to authority members, who spent considerable time learning about Bakken Energy's plan to establish a hydrogen hub in North Dakota centered around the synfuels plant.

Bakken Energy is working on a deal to purchase the facility from Basin Electric Power Cooperative, the current operator. The plant also produces fertilizer, which would continue even after it is converted.

The plant has faced financial trouble as it competes with cheap natural gas produced in places such as the Bakken amid the rise of horizontal drilling and fracking technology over the past 15 years.

"Producing natural gas from coal, we are having huge losses ... and all the byproducts can't even come close to mitigating those losses we are incurring," said Paul Sukut, who recently retired as Basin's CEO. "Over the last three years, we have incurred hundreds of millions of dollars in losses."

Basin leaders felt their options were either to shut the plant down entirely or close the coal gasification part of it and just produce fertilizer. Then along came Bakken Energy's hydrogen proposal.

"For Basin Electric it is a way better option," Sukut said. "We hold all those jobs. They stay in North Dakota."

The synfuels plant employs 525 people, all of whom are expected to retain their jobs. The workforce and the existing infrastructure at the facility are major reasons why Bakken Energy was interested in the site, CEO Mike Hopkins said.

The plant "has a great deal of the equipment and the processes that you need to produce clean hydrogen on a very large scale," he said, adding that it "also has the people who know how to operate and run such an operation."

"By acquiring and redeveloping the synfuels plant and by retaining this valuable workforce, we're in production faster and we have an unbeatable cost advantage," he said.

Bakken Energy plans to bring in natural gas from the western North Dakota oil patch to use for hydrogen production. The company is working with Mitsubishi Power Americas to develop its plans. Carbon emissions generated during hydrogen production would be captured and buried permanently underground.

It's unclear what the hydrogen proposal means for North American Coal's Freedom Mine, which supplies the plant with lignite used to make gas. No one at Tuesday's meeting provided a clear answer, though the topic came up.

Body	A group known as the Coal Conversion Counties Association, made up of counties, cities and school districts in the coal-producing parts of North Dakota, sent a letter to the governor last week expressing concerns about the hydrogen hub, particularly as the coal industry faces an uncertain future and it appears the hydrogen industry is banking on federal subsidies. "Those federal hydrogen rules and financial incentives are far from settled at this juncture, which is the primary reason we question whether it is premature for any entity to receive state financial support for this type of venture right now," association President John Phillips wrote. North American Coal spokesperson David Straley told the Tribune that the volume of coal used by Basin at the plant and by other facilities supplied by the mine determines the number of miners employed. Basin has not contacted the mining company to inform it of the power co-op's needs should the plant convert to hydrogen production, he said. The Freedom Mine also supplies Basin's Antelope Valley Station and Leland Olds Station with coal. Bakken Energy says the plant will continue to produce gas from coal until 2026, when hydrogen production is expected to begin. The deal to sell the plant has not closed, but it's expected to in 2023. Bakken Energy, meanwhile, is applying for a $1.5 billion loan guarantee through the U.S. Department of Energy for the proposed hub. It's also hoping the federal government will select the project as one of four hydrogen hubs to share in $8 billion made available through the recently passed infrastructure bill. Reach Amy R. Sisk at 701-250-8252 or amy.sisk@bismarcktribune.com. Geoff Simon Executive Director Western Dakota Energy Association 701-527-1832 (mobile) geoff@ndenergy.org **From:** Geoff Simon **Sent:** Tuesday, December 14, 2021 9:53 PM **To:** John Phillips <jpbeulah@westriv.com>; Ladd Erickson <lrerickson@nd.gov>; Ladd Erickson <ladd@westriv.com> **Subject:** Discussion of the vote John and Ladd - The link below is a recording of the discussion of the CSEA votes on the applications. Bakken Energy was awarded a $10 million grant out of the $20 million appropriated for hydrogen during the special session, conditioned that it be matched 1:1 with private funding. The authority also approved an $80 million loan, split in half with the first $40 million available January 1, 2022 concontingent on consummation of the sale of the synfuels plant to Bakken Energy, and the remainder available January 1, 2024, with interest only payments until January 1, 2027. The vote was 7–1, with Chris Friez voting no. Geoff To download the file please click on the following link: December 14, 2021 8:52:14 PM CSEA-Vote_Discussion.m4a https://vrpro.mobi/rckkgrdvq/ Link will expire in 24 hours. Sent from my iPhone, a petroleum product powered by coal.

Record 563

Sender Name	Erickson, Ladd R.
Sender Email	lrerickson@nd.gov
Recipients	wstenehjem@nd.gov
Subject	hydrogen hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:52:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:52:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:52:07.000 AM

Body

Wayne - this hydrogen hub funding is heading to the IC. We started looking into it after the Governor publically supported it in June. I haven't found evidence yet that this isn't just a grift for subsidies that will ever work in ND, and those requests for state funds will ever end on this thing. There is one big NEPA legal issue what hasn't be thought through by anyone on this also. I would need about an hour to lay out the evidence I have if you're interested? Busy today however.....Right now there is no reason for state funding commitments to this since part of the federal policy that it would take to make a go of it hasn't passed Congress yet and may not.....The Gov going so hard in public so early on this has stymied a critical staff review of relevant issues...Thx Ladd

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Bismarck Tribune story ...

Hydrogen hub, Coal Creek projects among those recommended for state funding

- AMY R. SISK

Proposals to establish a hydrogen hub in North Dakota and to retrofit Coal Creek Station with a carbon capture system are among the projects recommended for funding assistance via a new arm of state government focused on clean energy.

The eight voting members of the Clean Sustainable Energy Authority met Tuesday and recommended the state award a combined $28 million in grants and $135 million in loans to six applicants.

The three-member Industrial Commission, chaired by Gov. Doug Burgum, will have the final say over which projects receive funding. The commission is expected to make those decisions when it meets on Monday. Future funding rounds slated for 2022 are meant to allocate $17 million in remaining grant dollars and $115 million in loans.

The recommendations made Tuesday were unanimous except for one no vote on a proposal from the company Bakken Energy for money to support engineering and design work for its planned hydrogen hub.

Authority member Christopher Friez of North American Coal said unanswered questions surround the project, which aims to convert the Great Plains Synfuels Plant near Beulah for hydrogen production. The plant for decades has produced synthetic natural gas from coal mined at one of North American Coal's mines, along with a host of other products.

Others members of the energy authority supported the proposal, saying it could help put natural gas produced in western North Dakota's oil fields to use. Bakken Energy anticipates the market for hydrogen will grow substantially in future years. Its hydrogen could be used to fuel large trucks and other vehicles.

The authority recommended a $10 million grant and an $80 million loan to support the hydrogen project.

The panel also suggested the Industrial Commission award the following:

- A $7 million grant and a $40 million loan for Cerilion, which is developing a plant in Trenton that will convert natural gas into liquid fuels.
- A $7 million grant for the University of North Dakota's Energy & Environmental Research Center, which is working on the engineering and design of a system to capture the carbon dioxide emissions from Coal Creek, the state's largest coal-fired power plant. Carbon emissions released into the atmosphere contribute to climate change.
- A $3 million grant to Midwest AgEnergy for its carbon capture and storage project at Blue Flint Ethanol in McLean County.

Body	• A $1 million grant for Wellspring Hydro to source lithium and other products from saltwater produced in the oil fields. Lithium is used to make batteries and other products. • A $15 million loan for Valence Natural Gas Solutions to expand the use of its mobile devices that capture natural gas that would otherwise be wastefully flared. The energy authority recommended against funding Marathon Oil's proposal to install devices meant to reduce flaring at its oil field sites. Members indicated that they supported the project but did not want to help fund it because the technology is already commercially available. The goal of the Clean Sustainable Energy Authority is to promote the commercialization of emerging technology. The Legislature established the energy authority this year, designating $25 million for grants to support projects, in addition to $20 million for hydrogen-related proposals. Lawmakers also made $250 million available in loans through a line of credit from the Bank of North Dakota. Hydrogen Leaders of the projects vying for funding each made pitches Tuesday to authority members, who spent considerable time learning about Bakken Energy's plan to establish a hydrogen hub in North Dakota centered around the synfuels plant. Bakken Energy is working on a deal to purchase the facility from Basin Electric Power Cooperative, the current operator. The plant also produces fertilizer, which would continue even after it is converted. The plant has faced financial trouble as it competes with cheap natural gas produced in places such as the Bakken amid the rise of horizontal drilling and fracking technology over the past 15 years. "Producing natural gas from coal, we are having huge losses ... and all the byproducts can't even come close to mitigating those losses we are incurring," said Paul Sukut, who recently retired as Basin's CEO. "Over the last three years, we have incurred hundreds of millions of dollars in losses." Basin leaders felt their options were either to shut the plant down entirely or close the coal gasification part of it and just produce fertilizer. Then along came Bakken Energy's hydrogen proposal. "For Basin Electric it is a way better option," Sukut said. "We hold all those jobs. They stay in North Dakota." The synfuels plant employs 525 people, all of whom are expected to retain their jobs. The workforce and the existing infrastructure at the facility are major reasons why Bakken Energy was interested in the site, CEO Mike Hopkins said. The plant "has a great deal of the equipment and the processes that you need to produce clean hydrogen on a very large scale," he said, adding that it "also has the people who know how to operate and run such an operation." "By acquiring and redeveloping the synfuels plant and by retaining this valuable workforce, we're in production faster and we have an unbeatable cost advantage," he said. Bakken Energy plans to bring in natural gas from the western North Dakota oil patch to use for hydrogen production. The company is working with Mitsubishi Power Americas to develop its plans. Carbon emissions generated during hydrogen production would be captured and buried permanently underground. It's unclear what the hydrogen proposal means for North American Coal's Freedom Mine, which supplies the plant with lignite used to make gas. No one at Tuesday's meeting provided a clear answer, though the topic came up.

Body	A group known as the Coal Conversion Counties Association, made up of counties, cities and school districts in the coal-producing parts of North Dakota, sent a letter to the governor last week expressing concerns about the hydrogen hub, particularly as the coal industry faces an uncertain future and it appears the hydrogen industry is banking on federal subsidies. "Those federal hydrogen rules and financial incentives are far from settled at this juncture, which is the primary reason we question whether it is premature for any entity to receive state financial support for this type of venture right now," association President John Phillips wrote. North American Coal spokesperson David Straley told the Tribune that the volume of coal used by Basin at the plant and by other facilities supplied by the mine determines the number of miners employed. Basin has not contacted the mining company to inform it of the power co-op's needs should the plant convert to hydrogen production, he said. The Freedom Mine also supplies Basin's Antelope Valley Station and Leland Olds Station with coal. Bakken Energy says the plant will continue to produce gas from coal until 2026, when hydrogen production is expected to begin. The deal to sell the plant has not closed, but it's expected to in 2023. Bakken Energy, meanwhile, is applying for a $1.5 billion loan guarantee through the U.S. Department of Energy for the proposed hub. It's also hoping the federal government will select the project as one of four hydrogen hubs to share in $8 billion made available through the recently passed infrastructure bill. Reach Amy R. Sisk at 701-250-8252 or amy.sisk@bismarcktribune.com. Geoff Simon Executive Director Western Dakota Energy Association 701-527-1832 (mobile) geoff@ndenergy.org **From:** Geoff Simon **Sent:** Tuesday, December 14, 2021 9:53 PM **To:** John Phillips <jpbeulah@westriv.com>; Ladd Erickson <lrerickson@nd.gov>; Ladd Erickson <ladd@westriv.com> **Subject:** Discussion of the vote John and Ladd - The link below is a recording of the discussion of the CSEA votes on the applications. Bakken Energy was awarded a $10 million grant out of the $20 million appropriated for hydrogen during the special session, conditioned that it be matched 1:1 with private funding. The authority also approved an $80 million loan, split in half with the first $40 million available January 1, 2022 concontingent on consummation of the sale of the synfuels plant to Bakken Energy, and the remainder available January 1, 2024, with interest only payments until January 1, 2027. The vote was 7–1, with Chris Friez voting no. Geoff To download the file please click on the following link: December 14, 2021 8:52:14 PM CSEA-Vote_Discussion.m4a https://vrpro.mobi/rckkgrdvq/ Link will expire in 24 hours. Sent from my iPhone, a petroleum product powered by coal.

Record 564

Sender Name	Olson, Margaret I.
Sender Email	maiolson@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, masagsve@nd.gov
Subject	FW: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 10:44:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 10:44:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 10:44:44.000 AM

Body

Hi Wayne,

We are working with Paul, DEQ, and NDIC on drafting our own ND comments. Paul's recommendation is that we not join the WV comments but we can note that we do endorse those comments. I can let WV know if you agree.

Maggie Olson
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Phone (701) 328-3640
Fax (701) 328-4300

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From: Michael R. Williams <Michael.R.Williams@wvago.gov>
Sent: Tuesday, January 25, 2022 3:30 PM
To: Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov; MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; Olson, Margaret I. <maiolson@nd.gov>; Verleger, Jennifer L. <jverleger@nd.gov>; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov; Thomas Hydrick <ThomasHydrick@scag.gov>; Smithgall, Katie <Kathleen.Smithgall@mt.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Brocker, Liz <lbrocker@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Jordan Watson <JWatson@LAW.GA.GOV>; aferguson@oag.state.va.us
Cc: Lindsay S. See <Lindsay.S.See@wvago.gov>; Thomas T. Lampman <Thomas.T.Lampman@wvago.gov>; Caleb A. Seckman <caleb.a.seckman@wvago.gov>
Subject: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,

Following up on our October letter concerning methane-related issues, West Virginia would invite you to join a comment letter concerning proposed regulations governing emissions of methane from sources in the oil and natural gas sectors. A draft is attached.

In short, EPA has proposed—at least in preamble form—a series of new source performance standards and emissions guidelines for existing sources in the oil and gas industries. As the letter explains, these acts overstep EPA's authority under Section 111 of the Clean Air Act, the very section at issue in *West Virginia v. EPA*. EPA has not made certain necessary endangerment and causation findings. They also appear to have given too much weight a Congressional Resolution Act resolution that disapproved of an early Trump effort in this space. Further, the proposed rule leads to a number of costs that outweigh benefits while also traipsing on state authority in this space.

The EPA has not yet proposed actual regulatory text. We expect a further "supplemental" rulemaking at some later time. Because we're not certain about the scope of comments that will be permitted in response to that supplemental rulemaking, we think it important to go on the record now.

Many of you joined our letter to Congress on proposed methane fees. We hope you'll again join us to resist the latest effort to overregulate these industries for the sake of one pollutant. The comment must be submitted by January 31, so we would ask that you letter us know whether you'd like to join no later than **January 31 at noon Eastern.**

Many thanks,
Michael

Michael R. Williams* | Office of the West Virginia Attorney General | (681) 313-4511 |
michael.r.williams@wvago.gov
*Admitted in the District of Columbia, Michigan, and Virginia. Practicing under the supervision of West Virginia attorneys.

From: Michael R. Williams
Sent: Wednesday, October 13, 2021 12:22 PM
To: Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov;

Body	darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov; MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; maiolson@nd.gov; jverleger@nd.gov; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov; **Thomas Hydrick** <ThomasHydrick@scag.gov>; **Smithgall, Katie** <Kathleen.Smithgall@mt.gov>; **Youngs, Corrine** <Corrine.Youngs@atg.in.gov>; **Brocker, Liz** <lbrocker@nd.gov>; **Brocker, Liz** <lbrocker@nd.gov>; **Bryan Cleveland** <bryan.cleveland@oag.ok.gov>; **Jordan Watson** < JWatson@LAW.GA.GOV> **Cc:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Subject:** RE: Letter Opportunity - Methane Fee Good afternoon all, Many thanks to Oklahoma, Alabama, North Dakota, Montana, Nebraska, Arkansas, and South Carolina for signing on to the letter on the proposed methane fee. As a reminder, we had hoped to receive all joins by **6pm today**. That said, we will likely be able to extend that deadline if others are still considering. Just let me know. In response to comments, we made two non-substantive changes. Those are highlighted on page 3 in the attached. Let us know if you would like to join or have further comments. Thanks again to everyone for your time and support. Michael **Michael R. Williams** | Office of the West Virginia Attorney General | (681) 313-4511 | michael.r.williams@wvago.gov **From:** Michael R. Williams **Sent:** Friday, October 8, 2021 4:22 PM **To:** Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov; MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; maiolson@nd.gov; jverleger@nd.gov; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov **Cc:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Subject:** Letter Opportunity - Methane Fee Good afternoon all, Our office has drafted a letter to relevant Senate leadership to raise some concerns about a "methane fee" included in the reconciliation bill that's currently under discussion. We're writing to invite you to join us. As you know, the "Build Back Better Act" is working its way through the House, while related discussions are happening in the Senate. The present iteration includes a punitive $1500-per-ton fee on methane emissions from oil and natural-gas facilities, which echoes a Senate proposal from earlier this summer to impose an $1,800-per-ton fee on methane. The fees are based on some extraordinarily complicated formulas. But more importantly, they would drive up energy prices on Americans who are already facing some high prices. We also think that this is an incrementalist effort to impose a broader carbon tax. We hope you'll sign on to the attached draft. Because congressional negotiations are ongoing (and in a constant state of apparent flux), we would like to send the letter no later than next Thursday. With that said, would you please let us know if you'd like to sign on by **6pm Eastern on Wednesday, October 13**? If you could include an appropriate e-signature with any response joining the letter, that'd also be appreciated. Thanks for considering this issue. And please don't hesitate to reach out if you have any comments, questions, or otherwise. Michael **Michael R. Williams** Office of the West Virginia Attorney General 112 California Avenue State Capitol, Building 6, Room 433 Charleston, WV 25305 (681) 313-4511 michael.r.williams@wvago.gov
Attachments	12797.docx, image001[12796].png

Record 565

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:00:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:00:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:00:15.000 AM

Body	Attached is a new amicus request drafted by Texas, regarding whether the immovable property exception applies to tribal sovereign immunity. Texas argues that the common law immovable property exception applies to tribes just as it does to State and other sovereigns. Deadline to sign on is December 14. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 13, 2021 8:26 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie.Thompson@oag.texas.gov **Subject:** Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts Attached is the amicus brief Texas has drafted in support of the cert petition in *Self v. Cher-Ae Heights Indian Community* (U.S.). The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief argues that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Friday, December 3, 2021 3:46 PM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie Thompson <Natalie.Thompson@oag.texas.gov>; Judd Stone <Judd.Stone@oag.texas.gov> **Subject:** Forthcoming Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage To: Civil Amicus Contacts Texas is drafting an amicus brief in support of the attached cert petition. The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief will argue that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will have the draft ready next week. It's due December 15, so Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov.
CC	jthiel@nd.gov
Attachments	16013.docx

Record 566

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:14:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:14:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:14:06.000 AM

Body	So you know, I was previously aware of the Petition, and that there would be an amicus distributed, but we just received the amicus. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, December 13, 2021 11:08 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage This is a cert petition, with a one day deadline. We will pass and see whether we want to participate if cert is granted. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 13, 2021 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Thiel, Jolene J. <jthiel@nd.gov> **Subject:** FW: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage Attached is a new amicus request drafted by Texas, regarding whether the immovable property exception applies to tribal sovereign immunity. Texas argues that the common law immovable property exception applies to tribes just as it does to State and other sovereigns. Deadline to sign on is December 14. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 13, 2021 8:26 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie.Thompson@oag.texas.gov **Subject:** Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts Attached is the amicus brief Texas has drafted in support of the cert petition in *Self v. Cher-Ae Heights Indian Community* (U.S.). The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief argues that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Friday, December 3, 2021 3:46 PM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie Thompson <Natalie.Thompson@oag.texas.gov>; Judd Stone <Judd.Stone@oag.texas.gov> **Subject:** Forthcoming Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage To: Civil Amicus Contacts Texas is drafting an amicus brief in support of the attached cert petition. The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief will argue that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will have the draft ready next week. It's due December 15, so Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov.

Record 567

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:40:11.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:40:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:40:12.000 AM

Body

FYI

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, December 13, 2021 11:15 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Attached is the Eighth Circuitâ€™s one-line order denying DOJâ€™s request for a stay pending appeal. The opinion notes that Judge Kelly voted to grant the motion. Iâ€™m not sure if weâ€™ll eventually see an opinion from the court on this or if this is all weâ€™ll get, but the stay will remain in place for the time being. Now weâ€™ll have to see if the DOJ decides to ask SCOTUS for a stay.

From: Osete, Jesus <Jesus.Osete@ago.mo.gov>
Sent: Thursday, December 9, 2021 11:11 AM
To: Campbell, Jim <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Attached is our Response to DOJâ€™s motion to stay pending appeal that was filed yesterday.

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
Missouri Attorney Generalâ€™s Office
207 West High St
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(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Monday, December 6, 2021 9:59 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

All,

Attached is our draft response to DOJâ€™s stay motion filed in the Eighth Circuit. If you have any suggestions, please send them to me by COB today. Weâ€™re already at the max word limit, but weâ€™ll do our best to incorporate your suggestions, if any. We also may cut out some material to make room for a favorable Fifth Circuit opinion, should we get one today or tomorrow.

Thanks.

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
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207 West High St
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(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Monday, November 29, 2021 10:43 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

All,

Body	Judge Schelp has granted our motion for a PI! Well done everyone!! **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Campbell, Jim <Jim.Campbell@nebraska.gov> **Sent:** Tuesday, November 23, 2021 2:20 PM **To:** Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov> **Cc:** Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION Hey all. Sorry for the delay. Here is the circulation draft. Please send us any edits in the next hour or so. Sorry again for the short turnaround. **From:** Campbell, Jim **Sent:** Tuesday, November 23, 2021 11:41 AM **To:** Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov> **Cc:** Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION We are working to finish the draft of our reply to the CMS defendantsâ€™ opposition (which Jesus circulated yesterday). We plan to circulate that draft to you all in the next hour or two. Because we need to file it by 5:00 Central today, please be on standby and send us any edits you have by 3:30 Central. Thanks. **From:** Osete, Jesus <Jesus.Osete@ago.mo.gov> **Sent:** Monday, November 22, 2021 10:27 AM **To:** Campbell, Jim <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov> **Cc:** Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION FYIâ€¯DOJâ€™s opposition to our PI Motion attached. **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Osete, Jesus **Sent:** Tuesday, November 16, 2021 1:02 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov> **Cc:** Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION All. DOJ has reach out to us and proposed filing their opposition to our PI motion by 12pm CT on 11/24 (the day before Thanksgiving). Recall that our motion to expedite proposed their opposition be due this Friday (with our reply brief filed on 11/22) to ensure we have a ruling from Judge Schelp by 5pm on 11/29. John, Jim, and I have conferred and are inclined to not consent to their proposal, as our proposal gives the judge time to consider briefing, hold an evidentiary hearing, and if we donâ€™t get relief, we have time to go to the Eighth Circuit for an injunction pending appeal. Please let us know if you disagree. Thanks. **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation

Body

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207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Friday, November 12, 2021 5:56 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

FYIâ€¯our PI motion is on file. Thank you all for your efforts on such short notice, and a special thank you to Jim, Josh, and Maddie!

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From: Osete, Jesus
Sent: Friday, November 12, 2021 3:48 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Weâ€™ve been assigned to District Judge Matthew T. Schelp, who was appointed by President Trump in 2020.

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Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Friday, November 12, 2021 2:34 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

By my count, NE and MO have received the following number of declarations from you:

- Alaska: 2
- Arkansas: 1
- Iowa: 1
- New Hampshire: 2
- North Dakota: 2
- South Dakota: 1
- Wyoming: 1

Starting at 3pm, weâ€™re going to begin finalizing these as exhibits for filing, so if you have any additional materials, please send them by then. Thanks so much for the quick turnaround!

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
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Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Friday, November 12, 2021 11:21 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>

Body

Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

All.

Attached are draft motions (1) for a preliminary injunction, and (2) for expedited consideration. We will be filing everything **today by 4:00 p.m. (CT)**. If possible, please send us any suggestions and declarations by **3pm** to ensure timely filing.

Thanks.

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
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207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>; Farzin, Leah R (LAW) <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

I agree with everything Jim has said. To that end, I will circulate a draft motion for expedited briefing and consideration of the PI motion with the following proposed schedule:

- DOJ opposition: November 19
- Plaintiff Statesâ€™ Reply: November 22
- A hearing, if the Court deems it necessary, on November 23 (earliest) but no later than November 29 (we should leave the week of the 29th open in case we need to seek emergency relief from the Eighth Circuit/SCOTUS before December 5).

Let us know if you have any thoughts. Thanks.

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
Missouri Attorney Generalâ€™s Office
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Jesus.Osete@ago.mo.gov

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Wednesday, November 10, 2021 11:17 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>; Farzin, Leah R (LAW) <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

While Jesus is getting the complaint filed, I wanted to let you all know that our plan is to file a MPI on Friday. While this schedule is aggressive, so is the timeline weâ€™re up against. The mandate requires all covered employees to get their first shots by December 5, and obviously decisions by healthcare workers and facilities need to be made before then. So please start gathering declarations in support of the MPI. Here are the kinds of facts we need (Jesus, Maddie, John, and Josh, please feel free to add others) Note that Iâ€™ve highlighted the most important ones:

- Facts showing the existing healthcare staffing shortages in your state
- Facts about your state-run healthcare agencies that will be covered by the mandate
  - How many
  - How large
  - Description of existing workforce shortages
  - What percentage of employees are unvaccinated
  - What percentage of funding comes from Medicare/Medicaid
  - What are the anticipated adverse effects of the mandate on these state-run facilities, including:
    - Number of employees that they might lose
    - Anticipation on loss of services
    - Anticipation of closures (whether certain divisions or entire facilities)
- Facts about your state surveyors
  - How many
  - Confirm that they are state employees
  - Describe their duties in enforcing Medicare/Medicaid compliance
- Facts about specific healthcare facilities in your state that are willing to give a helpful declaration
  - Description of existing workforce shortages
  - What percentage of employees are unvaccinated
  - What percentage of funding comes from Medicare/Medicaid
  - What are the anticipated adverse effects of the mandate on these state-run facilities, including:
    - Number of employees that they might lose
    - Anticipation on loss of services
    - Anticipation of closures (whether certain divisions or entire facilities)

Body	Note that we have a few draft declarations, particularly declarations from healthcare facilities, that my colleague Josh can share if anyone wants to see them. Itâ€™d be good to have the declarations by Friday morning, but the earlier you can get them to us, the better. Itâ€™ll expedite the process and enable us to make better use of the facts. Thanks for everyoneâ€™s help with this. **From:** Osete, Jesus <Jesus.Osete@ago.mo.gov> **Sent:** Wednesday, November 10, 2021 10:30 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <Joshua.shasserre@nebraska.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov> **Cc:** Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint Clean version attached. Will file at 11:00am CT. Thank you so much everyone (especially Jim from Nebraska!!). **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Wednesday, November 10, 2021 7:49 AM **To:** 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <Joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint P.S. Current joiners include **Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, and Alaska**, with others expressing interest. We hope to have you all on board! Thanks, John **From:** Sauer, John **Sent:** Wednesday, November 10, 2021 6:17 AM **To:** 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint All- Many thanks to those of you who have already joined this Complaint challenging the health-care worker vaccine mandate. We are still planning to file by mid-morning Central time, so if your state wishes to join, please do let us know by 9:30 a.m. if possible. If you are considering it and need a little more time, please let me and Jim know that as well. If you join, we will plan to use the same signature block that we used for the federal contractor case, unless you send us a different signature block. Also, as in the contractor case, by joining, you are authorizing the Missouri and Nebraska attorneys who are entered to represent your state for the limited purpose of prosecuting this case. Of course, you may wish to enter as well on behalf of your own state, as many of you have done. Thanks a lot, John **From:** Sauer, John **Sent:** Tuesday, November 9, 2021 11:28 AM **To:** 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint All- Several of you have inquired about plans to file a lawsuit challenging the federal CMS vaccine mandate for health-care workers. Attached is a proposed draft complaint that Nebraska and Missouri have prepared, which we plan to file tomorrow morning in E.D. Mo. We hope to follow up promptly with a motion for preliminary injunction. Special thanks to Jim Campbell for a lot of incredibly fast heavy lifting on this draft over the last several days. Please let us know by tomorrow morning at 9:30 am Central if your State is interested in joining. Please copy me, Jim, and Jesus Osete of our office (ccâ€™ed) on your responses. Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
CC	lbrocker@nd.gov
Attachments	16012.pdf

Record 568

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Arizona v. SF (U.S.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:59:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:59:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:59:21.000 AM

Body	Attached is an amicus request written by Ohio relating to a merits brief in Arizona, ET AL., v. City and County of San Francisco, ET AL., in front of the US Supreme Court. **Deadline to respond is Dec. 20.** A link to the cert petition is below: 20210618152046165_Public Charge Intervention Cert Petition Arizona.pdf (supremecourt.gov). Plaintiff states include Alabama, Arkansas, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Oklahoma, South Carolina, Texas, and West Virginia. Cert. was granted with respect to question 1, which was whether States with interests should be permitted to intervene to defend a rule when the US ceases to defend. **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Friday, December 10, 2021 2:37 PM **To:** Andree.Blumstein@ag.tn.gov; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; 'Emory Smith' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Kane, Brian <brian.kane@ag.idaho.gov>; Kuhn, Matt F (KYOAG <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Stephen Petrany <SPetrany@law.ga.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov> **Cc:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** Amicus Brief in Arizona v. SF (U.S.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Ohio plans to file the attached amicus brief in *Arizona v. San Francisco*, 21-1775. I know many of you are already parties to that suit. We would welcome joinders from any of the remaining States. If you are interested in joining, please email me, copying Josh Richardson, by **Monday, December 20 at 9 AM Eastern.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
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Attachments	16011.DOC

Record 569

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Arizona v. SF (U.S.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:59:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:59:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:59:21.000 AM

Body	Attached is an amicus request written by Ohio relating to a merits brief in Arizona, ET AL., v. City and County of San Francisco, ET AL., in front of the US Supreme Court. **Deadline to respond is Dec. 20.** A link to the cert petition is below: 20210618152046165_Public Charge Intervention Cert Petition Arizona.pdf (supremecourt.gov). Plaintiff states include Alabama, Arkansas, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Oklahoma, South Carolina, Texas, and West Virginia. Cert. was granted with respect to question 1, which was whether States with interests should be permitted to intervene to defend a rule when the US ceases to defend. **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Friday, December 10, 2021 2:37 PM **To:** Andree.Blumstein@ag.tn.gov; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; 'Emory Smith' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Kane, Brian <brian.kane@ag.idaho.gov>; Kuhn, Matt F (KYOAG <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Stephen Petrany <SPetrany@law.ga.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov> **Cc:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** Amicus Brief in Arizona v. SF (U.S.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Ohio plans to file the attached amicus brief in *Arizona v. San Francisco*, 21-1775. I know many of you are already parties to that suit. We would welcome joinders from any of the remaining States. If you are interested in joining, please email me, copying Josh Richardson, by **Monday, December 20 at 9 AM Eastern.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
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Record 570

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Arizona v. SF (U.S.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 2:36:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 2:36:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 2:36:58.000 PM

Body	I recommend that we consider joining this brief, btw. Matt **From:** Sagsveen, Matthew A. **Sent:** Monday, December 13, 2021 11:59 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Thiel, Jolene J. <jthiel@nd.gov> **Subject:** FW: Amicus Brief in Arizona v. SF (U.S.) Attached is an amicus request written by Ohio relating to a merits brief in Arizona, ET AL., v. City and County of San Francisco, ET AL., in front of the US Supreme Court. **Deadline to respond is Dec. 20.** A link to the cert petition is below: 20210618152046165_Public Charge Intervention Cert Petition Arizona.pdf (supremecourt.gov). Plaintiff states include Alabama, Arkansas, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Oklahoma, South Carolina, Texas, and West Virginia. Cert. was granted with respect to question 1, which was whether States with interests should be permitted to intervene to defend a rule when the US ceases to defend. **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Friday, December 10, 2021 2:37 PM **To:** Andree.Blumstein@ag.tn.gov; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; 'Emory Smith' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Kane, Brian <brian.kane@ag.idaho.gov>; Kuhn, Matt F (KYOAG <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Stephen Petrany <SPetrany@law.ga.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov> **Cc:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** Amicus Brief in Arizona v. SF (U.S.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Ohio plans to file the attached amicus brief in *Arizona v. San Francisco*, 21-1775. I know many of you are already parties to that suit. We would welcome joinders from any of the remaining States. If you are interested in joining, please email me, copying Josh Richardson, by **Monday, December 20 at 9 AM Eastern.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
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Record 571

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Arizona v. SF (U.S.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 2:36:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 2:36:54.000 PM
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Body	I recommend that we consider joining this brief, btw. Matt **From:** Sagsveen, Matthew A. **Sent:** Monday, December 13, 2021 11:59 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Thiel, Jolene J. <jthiel@nd.gov> **Subject:** FW: Amicus Brief in Arizona v. SF (U.S.) Attached is an amicus request written by Ohio relating to a merits brief in Arizona, ET AL., v. City and County of San Francisco, ET AL., in front of the US Supreme Court. **Deadline to respond is Dec. 20.** A link to the cert petition is below: 20210618152046165_Public Charge Intervention Cert Petition Arizona.pdf (supremecourt.gov). Plaintiff states include Alabama, Arkansas, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Oklahoma, South Carolina, Texas, and West Virginia. Cert. was granted with respect to question 1, which was whether States with interests should be permitted to intervene to defend a rule when the US ceases to defend. **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Friday, December 10, 2021 2:37 PM **To:** Andree.Blumstein@ag.tn.gov; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; 'Emory Smith' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Kane, Brian <brian.kane@ag.idaho.gov>; Kuhn, Matt F (KYOAG <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Mithun Mansinghani' <mithun.mansinghani@oag.ok.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Stephen Petrany <SPetrany@law.ga.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov> **Cc:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** Amicus Brief in Arizona v. SF (U.S.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Ohio plans to file the attached amicus brief in *Arizona v. San Francisco*, 21-1775. I know many of you are already parties to that suit. We would welcome joinders from any of the remaining States. If you are interested in joining, please email me, copying Josh Richardson, by **Monday, December 20 at 9 AM Eastern.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
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Record 572

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Activity in Case 3:18-cv-00125-DLH-ARS Berndsen et al v. North Dakota University Syste m Order Adopting Stipulation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:56:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:56:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:56:48.000 PM

Body	The Plaintiffs in the Berndsen (UND Hockey Case) have voluntarily withdrawn/dismissed their case. This happened a week or so after UND counsel filed a second motion to dismiss. **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, December 14, 2021 2:14 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 3:18-cv-00125-DLH-ARS Berndsen et al v. North Dakota University System Order Adopting Stipulation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** *****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.** **U.S. District Court** **District of North Dakota** **Notice of Electronic Filing** The following transaction was entered on 12/14/2021 at 2:14 PM CST and filed on 12/14/2021 **Case Name:** Berndsen et al v. North Dakota University System **Case Number:** 3:18-cv-00125-DLH-ARS **Filer:** **Document Number:** 39 **Docket Text:** **ORDER by Judge Daniel L. Hovland Adopting [38] Notice of Voluntary Dismissal filed by Breanna Berndsen.(MM)** **3:18-cv-00125-DLH-ARS Notice has been electronically mailed to:** Matthew A. Sagsveen masagsve@nd.gov, jthiel@nd.gov Daniel M. Siegel DanMSiegel@gmail.com Sharon L. Van Dyck sharon@vandycklaw.com, sheridan@vandycklaw.com Daniel A. Cohen dan.cohen@nelsonmullins.com, alexis.trumble@nelsonmullins.com, dana.jackson@nelsonmullins.com Brandon Oliver Moulard brandon.moulard@nelsonmullins.com **3:18-cv-00125-DLH-ARS Notice will not be electronically mailed to:** The following document(s) are associated with this transaction: **Document description:**Main Document **Original filename:**n/a **Electronic document Stamp:** [STAMP dcecfStamp_ID=1102363164 [Date=12/14/2021] [FileNumber=1609397-0] [606938c045a3ce768d94710f6bc18b41ae2b7baaa67618404d9c7f53fe0677473d217270d2536fdb9456f605848b2352f0bf23209b03fd6b9a8e8bf6768d3dc0]]

Record 573

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Activity in Case 3:18-cv-00125-DLH-ARS Berndsen et al v. North Dakota University System Order Adopting Stipulation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:56:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:56:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:56:48.000 PM

Body	The Plaintiffs in the Berndsen (UND Hockey Case) have voluntarily withdrawn/dismissed their case. This happened a week or so after UND counsel filed a second motion to dismiss. **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, December 14, 2021 2:14 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 3:18-cv-00125-DLH-ARS Berndsen et al v. North Dakota University System Order Adopting Stipulation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** *****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.** **U.S. District Court** **District of North Dakota** **Notice of Electronic Filing** The following transaction was entered on 12/14/2021 at 2:14 PM CST and filed on 12/14/2021 **Case Name:** Berndsen et al v. North Dakota University System **Case Number:** 3:18-cv-00125-DLH-ARS **Filer:** **Document Number:** 39 **Docket Text:** **ORDER by Judge Daniel L. Hovland Adopting [38] Notice of Voluntary Dismissal filed by Breanna Berndsen.(MM)** **3:18-cv-00125-DLH-ARS Notice has been electronically mailed to:** Matthew A. Sagsveen masagsve@nd.gov, jthiel@nd.gov Daniel M. Siegel DanMSiegel@gmail.com Sharon L. Van Dyck sharon@vandycklaw.com, sheridan@vandycklaw.com Daniel A. Cohen dan.cohen@nelsonmullins.com, alexis.trumble@nelsonmullins.com, dana.jackson@nelsonmullins.com Brandon Oliver Moulard brandon.moulard@nelsonmullins.com **3:18-cv-00125-DLH-ARS Notice will not be electronically mailed to:** The following document(s) are associated with this transaction: **Document description:**Main Document **Original filename:**n/a **Electronic document Stamp:** [STAMP dcecfStamp_ID=1102363164 [Date=12/14/2021] [FileNumber=1609397-0] [606938c045a3ce768d94710f6bc18b41ae2b7baaa67618404d9c7f53fe0677473d217270d2536fdb9456f605848b2352f0bf23209b03fd6b9a8e8bf6768d3dc0]]

Record 574

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:56:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:56:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:56:37.000 AM

Body

Going forward with this, you may want to coordinate with DPI counsel. I will be occupied with depositions for the abortion case for the next two days.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:30 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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I will send you a couple of model declarations. To the extent you have cooperative Head Start officials, it certainly helps. I will send you something later today that you can use and feel free to modify. It would help to know who you have that would sign. State officials say something a different from Program Directors and Teachers.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:29 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We wonâ€™t be filing today â€" too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyoag.gov; thomas.t.lampman@wyoag.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyoag.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyoag.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E

Body

(LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

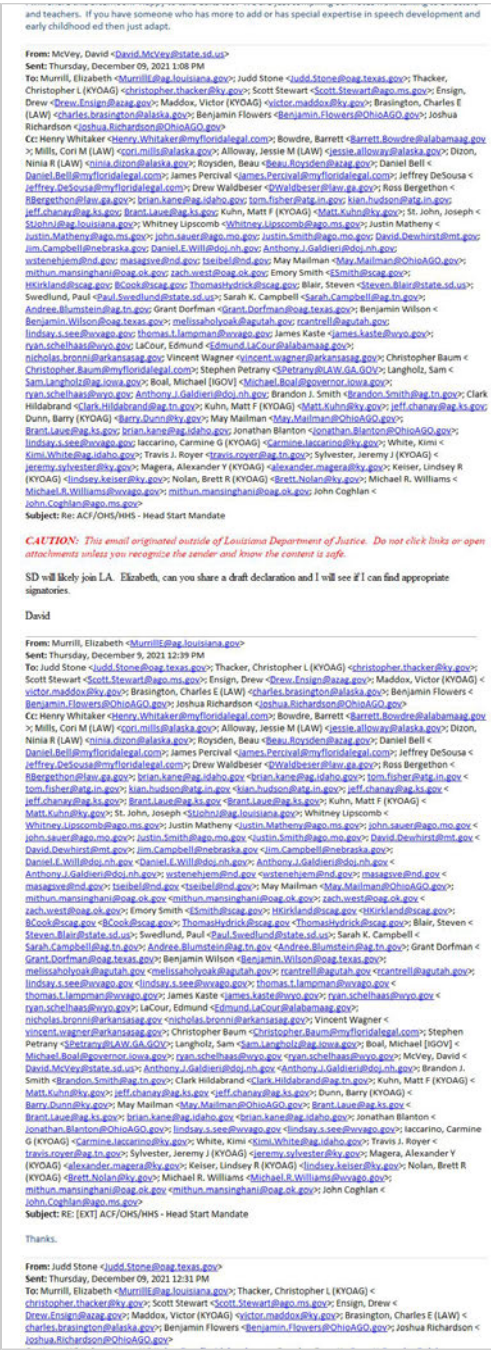
(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors

Body



and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <Jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <Jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagove@nd.gov <masagove@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; thomas.t.lampman@wyago.gov <thomas.t.lampman@wyago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>

Body	Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD. --- **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: ACF/OHS/HHS - Head Start Mandate Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others). We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners. --- **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>;

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Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.brown@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Laugholt, Sam <Sam.Laugholt@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 575

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:56:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:56:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:56:37.000 AM

Body

Going forward with this, you may want to coordinate with DPI counsel. I will be occupied with depositions for the abortion case for the next two days.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:30 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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I will send you a couple of model declarations. To the extent you have cooperative Head Start officials, it certainly helps. I will send you something later today that you can use and feel free to modify. It would help to know who you have that would sign. State officials say something a different from Program Directors and Teachers.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:29 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We wonâ€™t be filing today â€" too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyoag.gov; thomas.t.lampman@wyoag.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyoag.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyoag.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E

Body

(LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors

Body

and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <Jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <Jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagove@nd.gov <masagove@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; thomas.t.lampman@wyago.gov <thomas.t.lampman@wyago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>

Body	Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD. --- **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: ACF/OHS/HHS - Head Start Mandate Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others). We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners. --- **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>;

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Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.brown@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Laugholt, Sam <Sam.Laugholt@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan.Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. 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From: ca06-ecf-noticedesk@ca6.uscourts.gov <ca06-ecf-noticedesk@ca6.uscourts.gov>
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United States Court of Appeals for the Sixth Circuit

Notice of Docket Activity

The following transaction was filed on 12/15/2021

Case Name: MCP No.165, OSHA Covid Rule
Case Number: 21-7000
Document(s): Document(s)

Docket Text:
ORDER filed denying petition for initial en banc hearing [142] filed by Mr. James Patrick Sullivan in 21-7000, 21-4080, denying petition for initial en banc hearing [139] filed by Mr. Christopher David Wiest in 21-7000, denying petition for initial en banc hearing [136] filed by Mr. Russell A. Newman in 21-7000, denying petition for initial en banc hearing [14] filed by Mr. Benjamin Michael Flowers in 21-7000, 21-4031, denying petition for initial en banc hearing [6708334-2] filed by Mr. Robert Alt in 21-4028, denying petition for initial en banc hearing [6708834-2] filed by Mr. Ryan Bangert in 21-4033, decision for publication. Jeffrey S. Sutton, Chief Circuit Judge; Karen Nelson Moore, Circuit Judge; R. Guy Cole, Jr., Circuit Judge; Eric L. Clay, Circuit Judge; Julia Smith Gibbons, Circuit Judge; Richard Allen Griffin, Circuit Judge; Raymond M. Kethledge, Circuit Judge; Helene N. White, Circuit Judge; Jane Branstetter Stranch, Circuit Judge; Bernice Bouie Donald, Circuit Judge; Amul R. Thapar, Circuit Judge; John K. Bush, Circuit Judge; Joan L. Larsen, Circuit Judge; John B. Nalbandian, Circuit Judge; Chad A. Readler, Circuit Judge and Eric E. Murphy, Circuit Judge. [21-7000, 21-4027, 21-4028, 21-4031, 21-4032, 21-4033, 21-4080, 21-4082, 21-4083, 21-4084, 21-4085, 21-4086, 21-4087, 21-4088, 21-4089, 21-4090, 21-4091, 21-4092, 21-4093, 21-4094, 21-4095, 21-4096, 21-4097, 21-4099, 21-4100, 21-4101, 21-4102, 21-4103, 21-4108, 21-4112, 21-4114, 21-4115, 21-4117, 21-4133, 21-4149, 21-4152, 21-4157] (CL)

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Notice of Docket Activity

The following transaction was filed on 12/15/2021

Case Name: MCP No.165, OSHA Covid Rule
Case Number: 21-7000
Document(s): Document(s)

Docket Text:
ORDER filed denying petition for initial en banc hearing [142] filed by Mr. James Patrick Sullivan in 21-7000, 21-4080, denying petition for initial en banc hearing [139] filed by Mr. Christopher David Wiest in 21-7000, denying petition for initial en banc hearing [136] filed by Mr. Russell A. Newman in 21-7000, denying petition for initial en banc hearing [14] filed by Mr. Benjamin Michael Flowers in 21-7000, 21-4031, denying petition for initial en banc hearing [6708334-2] filed by Mr. Robert Alt in 21-4028, denying petition for initial en banc hearing [6708834-2] filed by Mr. Ryan Bangert in 21-4033, decision for publication. Jeffrey S. Sutton, Chief Circuit Judge; Karen Nelson Moore, Circuit Judge; R. Guy Cole, Jr., Circuit Judge; Eric L. Clay, Circuit Judge; Julia Smith Gibbons, Circuit Judge; Richard Allen Griffin, Circuit Judge; Raymond M. Kethledge, Circuit Judge; Helene N. White, Circuit Judge; Jane Branstetter Stranch, Circuit Judge; Bernice Bouie Donald, Circuit Judge; Amul R. Thapar, Circuit Judge; John K. Bush, Circuit Judge; Joan L. Larsen, Circuit Judge; John B. Nalbandian, Circuit Judge; Chad A. Readler, Circuit Judge and Eric E. Murphy, Circuit Judge. [21-7000, 21-4027, 21-4028, 21-4031, 21-4032, 21-4033, 21-4080, 21-4082, 21-4083, 21-4084, 21-4085, 21-4086, 21-4087, 21-4088, 21-4089, 21-4090, 21-4091, 21-4092, 21-4093, 21-4094, 21-4095, 21-4096, 21-4097, 21-4099, 21-4100, 21-4101, 21-4102, 21-4103, 21-4108, 21-4112, 21-4114, 21-4115, 21-4117, 21-4133, 21-4149, 21-4152, 21-4157] (CL)

Notice will be electronically mailed to:

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Mr. Steven R. Eatherly: eatherly@butzel.com
Mr. Drew Curtis Ensign: drew.ensign@azag.gov, dreweensign@gmail.com, acl@azag.gov

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Gosch: stan@rosenblattgosch.com Ms. Shannon Marie Grammel: shannon.grammel@ag.ks.gov Mr. Grant Joseph Guillot: grant@grantguillot.com Mr. Deepak Gupta: deepak@guptawessler.com, neil@guptawessler.com, sara@guptawessler.com, linnet@guptawessler.com, greg@guptawessler.com, rana@guptawessler.com, abbe@guptawessler.com, joyce@guptawessler.com Mr. David J Hacker: dhacker@firstliberty.org, file@firstliberty.org Ms. Sarah Harbison: sarah@pelicaninstitute.org Ms. Sarah E. Harrington: sarah.e.harrington@usdoj.gov Ms. Leslie Hayes: leslie.hayes@ag.idaho.gov, elaine.maneck@ag.idaho.gov Mr. Ryan Lawrence Heath: ryan.heath@thegavelproject.com Mr. Robert Henneke: rhenneke@texaspolicy.com, ysimental@texaspolicy.com Mr. Jason H Hilborn: jason.hilborn@myfloridalegal.com Mr. Clark Lassiter Hildabrand: clark.hildabrand@ag.tn.gov Ms. Melissa Ann Holyoak: melissaholyoak@agutah.gov, clesmes@agutah.gov Mr. Thomas T. Hydrick: thomashydrick@scag.gov Ms. Rachel Louise Jag: rjag@americafirstpolicy.com Mr. Adam C. Jed: adam.c.jed@usdoj.gov, CivilAppellate.ECF@usdoj.gov Mr. Thomas M. Johnson, Jr.: tmjohnson@wiley.law Mr. Brian Patrick Kane: brian.kane@ag.idaho.gov Ms. Lindsey Keiser: lindsey.keiser@ky.gov Mr. Scott Allen Keller: scott@lehotskykeller.com Ms. Ashley Steiner Kelly: ashley.kelly@agg.com, andi.gossmann@agg.com Ms. JoAnn Kintz: jkintz@democracyforward.org, ecf@democracyforward.org Mr. Kris W. Kobach: kkobach@gmail.com Mr. Edmund Gerard LaCour, Jr.: edmund.lacour@alabamaag.gov, rene.whyard@alabamaag.gov Mr. Samuel Paul Langholz: sam.langholz@ag.iowa.gov Ms. Megan Ann Larrondo: megan.larrondo@ag.idaho.gov, elaine.maneck@ag.idaho.gov Mr. Steven Paul Lehotsky: steve@lehotskykeller.com Mr. Daniel P. Lennington: dan@will-law.org, annalise@will-law.org Ms. Emmy L. Levens: elevens@cohenmilstein.com, efilings@cohenmilstein.com, adeich@cohenmilstein.com, mvike@cohenmilstein.com Mr. Sheng Tao Li: sheng.li@ncla.legal Mr. Mithun Mansinghani: mithun.mansinghani@oag.ok.gov, maranda.spears@oag.ok.gov, docket@oag.ok.gov Ms. Cathleen A. Martin: martinc@ncrpc.com, dunnavantd@ncrpc.com Mr. Jeffrey Carl Mateer: jmateer@firstliberty.org, file@firstliberty.org Mr. R. Trent McCotter: mccotter@boydengrayassociates.com Mr. David M. McVey: david.mcvey@state.sd.us Mr. Mark P. Meuser: MMeuser@dhillonlaw.com Mr. Matthew R. Miller: mmiller@texaspolicy.com, ysimental@texaspolicy.com, slucas@texaspolicy.com Ms. Jessica Anne Morton: jmorton@democracyforward.org, ecf@democracyforward.org Mr. Matthew W. Murphy: matt@vbmlaw.com, jennifer@vbmlaw.com Ms. Elizabeth B. Murrill: murrille@ag.louisiana.gov Mr. John Parham Murrill: john.murrill@taylorporter.com, julia.guilbeau@taylorporter.com Mr. William G. 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Richotte: richotte@butzel.com, guardiola@butzel.com Ms. Amy L. Rosenberger: arosenberger@wwdlaw.com, kdickerson@wwdlaw.com Mr. David A. Rosenfeld: drosenfeld@unioncounsel.net, courtnotices@unioncounsel.net Mr. Scott E. Rosenow: srosenow@wmc.org Mr. Andrew Dean Roth: aroth@bredhoff.com, hpvonthielen@bredhoff.com, mhiray@bredhoff.com Ms. Keisha Russell: krussell@firstliberty.org, file@firstliberty.org Mr. John A. Ruth: jruth@ncrpc.com, borghardta@ncrpc.com Mr. Matthew A. Sagsveen: masagsve@nd.gov Mr. Hiram S Sasser: hsasser@firstliberty.org, file@firstliberty.org Mr. Dean John Sauer, Solicitor: john.sauer@ago.mo.gov, john.sauer@ago.mo.gov, pam.martin@ago.mo.gov Mr. Ryan T. Schelhaas: ryan.schelhaas@wyo.gov Ms. Marisa C. Schnaith: schnaith.marisa.c@dol.gov Mr. Michael B. Schon: mike@lehotskykeller.com Ms. Lindsay Sara See, Solicitor General: lindsay.s.see@wvago.gov, choffman@wvago.gov Mr. Jordan A. Sekulow: jordansekulow@aclj.org, medwards@aclj.org Mr. Brandon James Smith: brandon.smith@ag.tn.gov Ms. Abigail Ann Southerland: asoutherland@aclj.org Mr. Brian James Springer: brian.j.springer@usdoj.gov, civilappellate.ecf@usdoj.gov Ms. Jessica Elizabeth Hart Steinmann: jsteinmann@americafirstpolicy.com Ms. Christina Stierhoff: cstierhoff@aclj.org Mr. James Larry Stine: jls@wimlaw.com, nes@wimlaw.com

Body	Mr. Judd Edward Stone, II: Judd.Stone@oag.texas.gov, maria.williamson@oag.texas.gov, sabrina.wycoff@oag.texas.gov Ms. Catherine L. Strauss: catherine.strauss@icemiller.com, thyrza.skofield@icemiller.com Mr. Patrick Strawbridge: patrick@consovoymccarthy.com Mr. Daniel Robert Suhr: dsuhr@libertyjusticecenter.org Mr. James Patrick Sullivan: sully.jps@gmail.com Ms. Krystal Brunner Swendsboe: kswendsboe@wiley.law Mr. Miles Landon Terry: mterry@aclj.org Mr. Christopher L. Thacker: christopher.thacker@ky.gov, cthacker@aya.yale.edu Mr. Michael Eugene Toner: mtoner@wiley.law Mr. Martin Totaro: martin.v.totaro@usdoj.gov Mr. Ryan J. Tucker: rtucker@adflegal.org, jperske@adflegal.org Mr. Halron Waites Turner: hwt@tokn.com Mr. Vincent M. Wagner: vincent.wagner@arkansasag.gov Ms. Felicia K. Watson: fwatson@nahb.org Mr. Chance Weldon: cweldon@texaspolicy.com, cdweldon.email@gmail.com, ysimental@texaspolicy.com Mr. Henry Charles Whitaker: henry.whitaker@myfloridalegal.com, jenna.hodges@myfloridalegal.com Mr. Edward Lawrence White: ewhite@aclj.org, elwhite3@yahoo.com, JeanneWhite3@yahoo.com Mr. Christopher David Wiest: chris@cwiestlaw.com, chriswiestlaw@yahoo.com Mr. Kurtis T. Wilder: wilder@butzel.com, ingber@butzel.com Mr. Daniel William Wolff: dwolff@crowell.com, bhutter@crowell.com Ms. Allison M. Zieve: azieve@citizen.org, litfilenotify@citizen.org Mr. Peter Ford: pford@ufcw.org (*daily summary*) Mr. Thomas J. Ward: tward@nahb.org (*daily summary*) **Notice will not be electronically mailed to:** Mr. Aaron Abadi 82 Nassau Street Apartment 140 New York, NY 10038 The following document(s) are associated with this transaction: **Document Description:** Cover Letter **Original Filename:** /opt/ACECF/live/forms/CathrynLovely_217000_6723315_CoverLetter-ForPublicationOrder.pdf **Electronic Document Stamp:** [STAMP acecfStamp_ID=1105031299 [Date=12/15/2021] [FileNumber=6723315-1] [91d7d82e0cedf08a8c88f6f118aff70816edb6b4a2920c735efab37d86494e6b89978b622834f14e14f82749 **Recipients:** • Mr. Aaron Abadi • Mr. Robert Alt • Mr. Michael Timothy Anderson • Mr. Ryan Baasch • Mr. Edmund Charles Baird • Mr. Ryan Bangert • Mr. David Joseph Beck • Mr. Craig Becker • Mr. Harold Craig Becker • Mr. Josh Belinfante • Mr. Ross Warren Bergethon • Ms. Nicole G. Berner • Ms. Louise McGauley Betts • Mr. Keith R. Bolek • Ms. Victoria Louise Bor • Mr. Matthew Scott Bowman • Mr. Charles Edmond Brasington • Mr. Adam C. Breihan • Mr. Brian Alan Broecker • Mr. Jeremy Joseph Broggi • Mr. Nicholas J. Bronni • Mr. John J. Bursch • James A. Campbell • Mr. John Stone Campbell, III • Mr. Joshua Joseph Campbell • Mr. Jeffrey A. Chanay • Mr. Frank Hyok Chang • Mr. Matthew James Clark • Mr. John V. Coghlan • Mr. William Francis Cole • Mr. Ronald D. Coleman • Mr. Michael A. Columbo • Mr. Christian Brian Corrigan • Mr. David Andrew Cortman • Mr. Nate Curtisi • Ms. Sylvia May Davis • Mr. David M.S. Dewhirst • Ms. Harmeet Dhillon • Mr. Buck Dougherty • Mr. Jefferson Downing • Mr. Jeffrey B. Dubner • Mr. Jeremy Dys • Mr. Steven R. Eatherly • Mr. Drew Curtis Ensign • Mr. Thomas Molnar Fisher • Mr. Charles Flores • Mr. Benjamin Michael Flowers • Mr. Peter Ford • Ms. Rachel Fried • Mr. Anthony J. Galdieri • Mr. Thomas P. Gies • Mr. Jamila Gleason • Ms. Brianne Jenna Gorod • Mr. Stanley M. Gosch

Body	• Mr. Grant Joseph Guillot • Mr. Deepak Gupta • Mr. David J Hacker • Ms. Sarah Harbison • Ms. Sarah E. Harrington • Ms. Leslie Hayes • Mr. Ryan Lawrence Heath • Mr. Robert Henneke • Mr. Jason H Hilborn • Mr. Clark Lassiter Hildabrand • Ms. Melissa Ann Holyoak • Mr. Thomas T. Hydrick • Ms. Rachel Louise Jag • Mr. Adam C. Jed • Mr. Thomas M. Johnson, Jr. • Mr. Brian Patrick Kane • Ms. Lindsey Keiser • Mr. Scott Allen Keller • Ms. Ashley Steiner Kelly • Ms. JoAnn Kintz • Mr. Kris W. Kobach • Mr. Edmund Gerard LaCour, Jr. • Mr. Samuel Paul Langholz • Ms. Megan Ann Larrondo • Mr. Steven Paul Lehotsky • Mr. Daniel P. Lennington • Ms. Emmy L. Levens • Mr. Sheng Tao Li • Mr. Mithun Mansinghani • Ms. Cathleen A. Martin • Mr. Jeffrey Carl Mateer • Mr. R. Trent McCotter • Mr. David M. McVey • Mr. Mark P. Meuser • Mr. Matthew R. Miller • Ms. Jessica Anne Morton • Mr. Matthew W. Murphy • Ms. Elizabeth B. Murrill • Mr. John Parham Murrill • Mr. William G. Myers, III • Mr. Scott Lawrence Nelson • Mr. Russell A. Newman • Mr. Stephen Joseph Obermeier • Mr. Richard J. Oparil • Ms. Lea Patterson • Mr. Henry M. Perlowski • Mr. Javier Pico-Prats • Mr. David Andrew Porter • Mr. Michael S. Raab • Ms. Randy Sue Rabinowitz • Mr. Aaron Randall Rice • Mr. Joseph E. Richotte • Ms. Amy L. Rosenberger • Mr. David A. Rosenfeld • Mr. Scott E. Rosenow • Mr. Andrew Dean Roth • Ms. Keisha Russell • Mr. John A. Ruth • Mr. Matthew A. Sagsveen • Mr. Hiram S Sasser • Mr. Dean John Sauer, Solicitor • Mr. Ryan T. Schelhaas • Ms. Marisa C. Schnaith • Mr. Michael B. Schon • Ms. Lindsay Sara See, Solicitor General • Mr. Jordan A. Sekulow • Mr. Brandon James Smith • Ms. Abigail Ann Southerland • Mr. Brian James Springer • Ms. Jessica Elizabeth Hart Steinmann • Ms. Christina Stierhoff • Mr. James Larry Stine • Mr. Judd Edward Stone, II • Ms. Catherine L. Strauss • Mr. Patrick Strawbridge • Mr. Daniel Robert Suhr • Mr. James Patrick Sullivan • Ms. Krystal Brunner Swendsboe • Mr. Miles Landon Terry • Mr. Christopher L. Thacker • Mr. Michael Eugene Toner • Mr. Martin Totaro • Mr. Ryan J. Tucker • Mr. Halron Waites Turner • Mr. Vincent M. Wagner • Mr. Thomas J. Ward • Ms. Felicia K. Watson • Mr. Chance Weldon • Mr. Henry Charles Whitaker • Mr. Edward Lawrence White • Mr. Christopher David Wiest • Mr. Kurtis T. Wilder • Mr. Daniel William Wolff • Ms. Allison M. Zieve **Document Description:** En Banc Order **Original Filename:** 21a0283p-06.pdf **Electronic Document Stamp:** [STAMP acecfstamp_ID=1105031299 [Date=12/15/2021] [FileNumber=6723315-0] [0cdf024137a05702b9eaf0067addf19b2ae2b9f5b7dff5fd997f503fca0f733fba9c2479e59d2b66a23e0feb37c0e383eba
CC	jnicolai@nd.gov
Attachments	12642.pdf

Record 578

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	FW: 20211201_DAPL_EIS_MeetingDatesLetter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:32:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:32:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:32:10.000 PM

Body	How do you want me to proceed with this? Should I send it to Leslie? **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Wednesday, December 1, 2021 12:12 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Janis, Larry D CIV USARMY CENWO (USA) <Larry.D.Janis@usace.army.mil>; Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20211201_DAPL_EIS_MeetingDatesLetter ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen and Mr. Seibel: Attached is a letter signed today offering dates for continued ongoing discussion on the Dakota Access Environmental Impact Study. As discussed at our October 1, 2021 meeting, we are committed to continuing to work and discuss this project with the State. Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045
Attachments	20211201_DAPL_EIS_ND_ConsultationSchedulingLetter_Signed[15998].pdf

Record 579

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	FW: 20211201_DAPL_EIS_MeetingDatesLetter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:32:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:32:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 3:32:10.000 PM
Body	How do you want me to proceed with this? Should I send it to Leslie? **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Wednesday, December 1, 2021 12:12 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Janis, Larry D CIV USARMY CENWO (USA) <Larry.D.Janis@usace.army.mil>; Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20211201_DAPL_EIS_MeetingDatesLetter ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen and Mr. Seibel: Attached is a letter signed today offering dates for continued ongoing discussion on the Dakota Access Environmental Impact Study. As discussed at our October 1, 2021 meeting, we are committed to continuing to work and discuss this project with the State. Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045

Attachments	20211201_DAPL_EIS_ND_ConsultationSchedulingLetter_Signed[12640].pdf

Record 580

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:50:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:50:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:51:00.000 PM
Body	FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	chpieske@nd.gov, dschaibley@nd.gov
Attachments	15996.docx, 15995.docx, 15997.docx

Record 581

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:50:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:50:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:51:00.000 PM
Body	FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	chpieske@nd.gov, dschaibley@nd.gov
Attachments	12638.docx, 12637.docx, 12639.docx

Record 582

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov

Recipients	MurrillE@ag.louisiana.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:05:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:05:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:05:56.000 PM
Body	Elizabeth, Here is a paragraph for North Dakota. Plaintiff State of North Dakota is a sovereign State of the United States of America. Wayne Stenehjem is the North Dakota Attorney General, and he is authorized by law to bring legal actions on behalf of the State of North Dakota and its citizens. N.D. Cent. Code 54-12-02. The office of the Attorney General is located at 600 E. Boulevard Ave., Bismarck, ND 58505. Matt **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Wednesday, December 15, 2021 4:46 PM **To:** Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. 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I will send a draft declaration later this morning. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 1, 2021 12:06 PM **To:** Osete, Jesus; 'Dewhirst, David'; Sauer, John; 'Benjamin Flowers'; Andree.Blumstein@ag.tn.gov; Campbell, Jim; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser; Smith, Emory; 'Fisher, Tom'; Galdieri, Anthony; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian; 'LaCour, Edmund'; 'Laue, Brant'; 'Lindsay S. See'; 'masagsve@nd.gov'; Melissa Holyoak; 'Meredith, Chad (KYOAG)'; Mansinghani, Mithun; Bronni, Nicholas; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon; 'Roysden, Beau'; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell'; 'Scott Stewart'; sean.gill@doj.nh.gov; 'Stone, Judd'; Thomas Hydrick; Travis Johnson; Zach West **Cc:** May Mailman; Campbell, Jim **Subject:** RE: Head Start Please let me know if you are interested in joining a suit on the Head Start Vax Mandate rule that was issued yesterday. The masking requirements for 2 year olds takes effect immediately. I am not sure how this is being handled currently in these programs, but the Head Start guidance did not require it until the 25th I don't think. (The Early Care guidance was updated November 10, 2021; the Head Start guidance was updated November 29 (Monday)). We are working up a complaint, TRO, and PI. The TRO is necessary due to the masking requirements for 2 years olds, which took effect upon publication. An expedited PI would likely be necessary in the absence of a TRO due to the deadlines for compliance. Please let me know if you are interested in joining. We may be filing this one in the Eastern District of Louisiana due to a high number of Head Start programs located there. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	wstenehjem@nd.gov

Record 583

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	MurrillE@ag.louisiana.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:05:56.000 PM
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Subject: RE: Head Start

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See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov> **Subject:** RE: Head Start Friends – attached is the draft complaint. Edits are welcome. I will send a draft declaration later this morning. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 1, 2021 12:06 PM **To:** Osete, Jesus; 'Dewhirst, David'; Sauer, John; 'Benjamin Flowers'; Andree.Blumstein@ag.tn.gov; Campbell, Jim; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser; Smith, Emory; 'Fisher, Tom'; Galdieri, Anthony; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian; 'LaCour, Edmund'; 'Laue, Brant'; 'Lindsay S. See'; 'masagsve@nd.gov'; Melissa Holyoak; 'Meredith, Chad (KYOAG)'; Mansinghani, Mithun; Bronni, Nicholas; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon; 'Roysden, Beau'; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell'; 'Scott Stewart'; sean.gill@doj.nh.gov; 'Stone, Judd'; Thomas Hydrick; Travis Johnson; Zach West **Cc:** May Mailman; Campbell, Jim **Subject:** RE: Head Start Please let me know if you are interested in joining a suit on the Head Start Vax Mandate rule that was issued yesterday. The masking requirements for 2 year olds takes effect immediately. I am not sure how this is being handled currently in these programs, but the Head Start guidance did not require it until the 25th I don't think. (The Early Care guidance was updated November 10, 2021; the Head Start guidance was updated November 29 (Monday)). We are working up a complaint, TRO, and PI. The TRO is necessary due to the masking requirements for 2 years olds, which took effect upon publication. An expedited PI would likely be necessary in the absence of a TRO due to the deadlines for compliance. Please let me know if you are interested in joining. We may be filing this one in the Eastern District of Louisiana due to a high number of Head Start programs located there. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	wstenehjem@nd.gov

Record 584

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Privileged/Confidential
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:24:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:24:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:24:11.000 PM
Body	**I just want to draw your attention to the following paragraphs to make sure you are comfortable with language.: 74, 97, 98, 99, 149-151, 155.**
Attachments	15994.docx

Record 585

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Privileged/Confidential
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:24:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:24:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 5:24:11.000 PM
Body	I just want to draw your attention to the following paragraphs to make sure you are comfortable with language.: 74, 97, 98, 99, 149-151, 155.
Attachments	12636.docx

Record 586

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	dschaibley@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:54:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:54:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:54:20.000 PM
Body	Thanks, I did not know that… **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ….. disinclined …. to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	chpieske@nd.gov

Record 587

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	dschaibley@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:54:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:54:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:54:20.000 PM
Body	Thanks, I did not know that... **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	chpieske@nd.gov

Record 588

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: CMS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:17:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:16:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:17:02.000 AM

Body

FYI

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Thursday, December 16, 2021 5:14 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard Martin <Richard.Martin@myfloridalegal.com>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; Jimmy Faircloth <jfaircloth@faircLothlaw.com>; Tyler Green <tyler@consovoymccarthy.com>; Daniel Shapiro <daniel@consovoymccarthy.com>
Subject: RE: CMS

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

The SG just filed an application with SCOTUS to stay the preliminary injunction of the CMS mandate in our case. See attached. Also, a footnote in that filing indicates that they have, or will shortly, file a similar application in the Louisiana CMS case.

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Thursday, December 16, 2021 12:17 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <Jim.Campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard Martin <Richard.Martin@myfloridalegal.com>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Jimmy Faircloth <jfaircloth@faircLothlaw.com>; Tyler Green <tyler@consovoymccarthy.com>; Daniel Shapiro <daniel@consovoymccarthy.com>
Subject: RE: CMS

We filed for initial en banc and asked the eb court to enjoin the rule in Florida pending appeal.

Henry

Henry C. Whitaker
Solicitor General
Office of the Attorney General
PL-01, The Capitol | Tallahassee, FL 32399
(850) 414-3688

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 12:27 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard Martin <Richard.Martin@myfloridalegal.com>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <

Body	zach.west@oag.ok.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Jimmy Faircloth <jfaircloth@fairclothlaw.com>; Tyler Green <tyler@consovoymccarthy.com>; Daniel Shapiro <daniel@consovoymccarthy.com> **Subject:** RE: CMS Friends: Please advise if I left anyone off this email who should be on it. A panel of the 5th Cir just denied the CMS stay as to our 15 States, but granted it as to nationwide relief (relying largely on the 11th Cir. op and the desirability for more courts to opine on these issues). The order is attached. Will advise of further developments. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 01, 2021 1:07 PM **To:** 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov> **Cc:** 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov> **Subject:** CMS FYI – the Feds just filed an appeal of the PI and for a stay in our CMS case. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 01, 2021 12:06 PM **To:** 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov> **Subject:** RE: Head Start Please let me know if you are interested in joining a suit on the Head Start Vax Mandate rule that was issued yesterday. The masking requirements for 2 year olds takes effect immediately. I am not sure how this is being handled currently in these programs, but the Head Start guidance did not require it until the 25th I don't think. (The Early Care guidance was updated November 10, 2021; the Head Start guidance was updated November 29 (Monday)). We are working up a complaint, TRO, and PI. The TRO is necessary due to the masking requirements for 2 years olds, which took effect upon publication. An expedited PI would likely be necessary in the absence of a TRO due to the deadlines for compliance. Please let me know if you are interested in joining. We may be filing this one in the Eastern District of Louisiana due to a high number of Head Start programs located there. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
Attachments	15985.pdf, 15984.pdf, image001[14775].png

Record 589

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: CMS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:17:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:16:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:17:02.000 AM

Body

FYI

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Thursday, December 16, 2021 5:14 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard Martin <Richard.Martin@myfloridalegal.com>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; Jimmy Faircloth <jfaircloth@faircLothlaw.com>; Tyler Green <tyler@consovoymccarthy.com>; Daniel Shapiro <daniel@consovoymccarthy.com>
Subject: RE: CMS

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The SG just filed an application with SCOTUS to stay the preliminary injunction of the CMS mandate in our case. See attached. Also, a footnote in that filing indicates that they have, or will shortly, file a similar application in the Louisiana CMS case.

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Thursday, December 16, 2021 12:17 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <Jim.Campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard Martin <Richard.Martin@myfloridalegal.com>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>
Cc: May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Jimmy Faircloth <jfaircloth@faircLothlaw.com>; Tyler Green <tyler@consovoymccarthy.com>; Daniel Shapiro <daniel@consovoymccarthy.com>
Subject: RE: CMS

We filed for initial en banc and asked the eb court to enjoin the rule in Florida pending appeal.

Henry

Henry C. Whitaker
Solicitor General
Office of the Attorney General
PL-01, The Capitol | Tallahassee, FL 32399
(850) 414-3688

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 12:27 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard Martin <Richard.Martin@myfloridalegal.com>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <

Body	zach.west@oag.ok.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Jimmy Faircloth <jfaircloth@faircllothlaw.com>; Tyler Green <tyler@consovoymccarthy.com>; Daniel Shapiro <daniel@consovoymccarthy.com> **Subject:** RE: CMS Friends: Please advise if I left anyone off this email who should be on it. A panel of the 5th Cir just denied the CMS stay as to our 15 States, but granted it as to nationwide relief (relying largely on the 11th Cir. op and the desirability for more courts to opine on these issues). The order is attached. Will advise of further developments. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 01, 2021 1:07 PM **To:** 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov> **Cc:** 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov> **Subject:** CMS FYI – the Feds just filed an appeal of the PI and for a stay in our CMS case. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 01, 2021 12:06 PM **To:** 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov> **Subject:** RE: Head Start Please let me know if you are interested in joining a suit on the Head Start Vax Mandate rule that was issued yesterday. The masking requirements for 2 year olds takes effect immediately. I am not sure how this is being handled currently in these programs, but the Head Start guidance did not require it until the 25th I don't think. (The Early Care guidance was updated November 10, 2021; the Head Start guidance was updated November 29 (Monday)). We are working up a complaint, TRO, and PI. The TRO is necessary due to the masking requirements for 2 years olds, which took effect upon publication. An expedited PI would likely be necessary in the absence of a TRO due to the deadlines for compliance. Please let me know if you are interested in joining. We may be filing this one in the Eastern District of Louisiana due to a high number of Head Start programs located there. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
Attachments	12627.pdf, 12626.pdf, image001[11312].png

Record 590

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Kelly v. Animal Legal Defense Fund (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:26:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:26:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:26:23.000 PM

Body	Wayne, The Ag Dept. would like to join this brief. Deadline is Dec. 21. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Friday, December 17, 2021 12:07 PM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Kelly v. Animal Legal Defense Fund (U.S.) -- cert-stage ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Attached is a draft amicus Utah has prepared in support of petitioners (the Governor and AG of Kansas) at the cert stage in *Kelly v. Animal Legal Defense Fund* (U.S.). At issue is Kansas's state trespass by deception statute applicable at animal facilities. Animal rights groups wish to gain access to such facilities, typically by giving false statements on job applications/interviews. The Tenth Circuit held that this is protected speech, and thus the trespass statute is unconstitutional. The Eighth Circuit upheld a similar statute from Iowa. Kansas's cert petition is also attached. The amicus argues that the right to exclude is a fundamental aspect of private property rights and that cert should be granted to resolve the conflicts among the courts of appeals. **Deadline to join is COB Tuesday December 21.** To join, please email melissaholyoak@agutah.gov. Happy Holidays! Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov
CC	jthiel@nd.gov
Attachments	15979.docx, 15978.pdf

Record 591

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Kelly v. Animal Legal Defense Fund (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:26:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:26:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:26:23.000 PM

Body	Wayne, The Ag Dept. would like to join this brief. Deadline is Dec. 21. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Friday, December 17, 2021 12:07 PM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Kelly v. Animal Legal Defense Fund (U.S.) -- cert-stage ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Attached is a draft amicus Utah has prepared in support of petitioners (the Governor and AG of Kansas) at the cert stage in *Kelly v. Animal Legal Defense Fund* (U.S.). At issue is Kansas's state trespass by deception statute applicable at animal facilities. Animal rights groups wish to gain access to such facilities, typically by giving false statements on job applications/interviews. The Tenth Circuit held that this is protected speech, and thus the trespass statute is unconstitutional. The Eighth Circuit upheld a similar statute from Iowa. Kansas's cert petition is also attached. The amicus argues that the right to exclude is a fundamental aspect of private property rights and that cert should be granted to resolve the conflicts among the courts of appeals. **Deadline to join is COB Tuesday December 21.** To join, please email melissaholyoak@agutah.gov. Happy Holidays! Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov
CC	jthiel@nd.gov
Attachments	12621.docx, 12620.pdf

Record 592

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: 21-7000 MCP No.165, OSHA Covid Rule "judge order filed"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:11:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:11:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:11:51.000 PM

Body

FYI, it sounds like someone already filed with SCOTUS...

From: ca06-ecf-noticedesk@ca6.uscourts.gov <ca06-ecf-noticedesk@ca6.uscourts.gov>
Sent: Friday, December 17, 2021 5:54 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: 21-7000 MCP No.165, OSHA Covid Rule "judge order filed"

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United States Court of Appeals for the Sixth Circuit

Notice of Docket Activity

The following transaction was filed on 12/17/2021

Case Name: MCP No.165, OSHA Covid Rule
Case Number: 21-7000
Document(s): Document(s)

Docket Text:
NON-DISPOSITIVE, PUBLISHED OPINION filed: The government's motion to dissolve the administrative stay [69] is GRANTED. Decision for publication. Julia Smith Gibbons (CONCURRING), Jane Branstetter Stranch (AUTHORING), and Joan L. Larsen (DISSENTING), Circuit Judges. [21-7000, 21-4027, 21-4028, 21-4031, 21-4032, 21-4033, 21-4080, 21-4082, 21-4083, 21-4084, 21-4085, 21-4086, 21-4087, 21-4088, 21-4089, 21-4090, 21-4091, 21-4092, 21-4093, 21-4094, 21-4095, 21-4096, 21-4097, 21-4099, 21-4100, 21-4101, 21-4102, 21-4103, 21-4108, 21-4112, 21-4114, 21-4115, 21-4117, 21-4133, 21-4149, 21-4152, 21-4157] (CL)

Notice will be electronically mailed to:

Mr. Robert Alt: robert@buckeyeinstitute.org
Mr. Michael Timothy Anderson: manderson@murphypllc.com
Mr. Ryan Baasch: Ryan.Baasch@oag.texas.gov
Mr. Edmund Charles Baird: Baird.Edmund@dol.gov
Mr. Ryan Bangert: rbangert@adflegal.org, lmeadows@adflegal.org, echristoph@adflegal.org
Mr. David Joseph Beck: dbeck@beckredden.com
Mr. Craig Becker: cbecker@aflcio.org
Mr. Harold Craig Becker: cbecker@aflcio.org
Mr. Josh Belinfante: jbelinfante@robbinsfirm.com, kmccuiston@robbinsfirm.com
Mr. Ross Warren Bergethon: rbergethon@law.ga.gov
Ms. Nicole G. Berner: nicole.berner@seiu.org, john.d'elia@seiu.org, kim.gibbs@seiu.org, dmercado@levyratner.com, abelovin@levyratner.com, rcookmack@levyratner.com
Ms. Louise McGauley Betts: betts.louise@dol.gov, OSH-SOL@dol.gov
Mr. Keith R. Bolek: kbolek@odonoghuelaw.com
Ms. Victoria Louise Bor: bor@shermandunn.com
Mr. Matthew Scott Bowman: mbowman@adflegal.org, thaney@adflegal.org
Mr. Charles Edmond Brasington: charles.brasington@alaska.gov, angela.hobbs@alaska.gov
Mr. Adam C. Breihan: abreihan@murphypllc.com
Mr. Brian Alan Broecker: broecker.brian@dol.gov
Mr. Jeremy Joseph Broggi: jbroggi@jd14.law.harvard.edu, jbroggi@wiley.law
Mr. Nicholas J. Bronni: nicholas.bronni@arkansasag.gov
Mr. John J. Bursch: jbursch@adflegal.org, jbursch@burschlaw.com, rshier2@gmail.com
James A. Campbell: jim.campbell@nebraska.gov, susan.gutzmer@nebraska.gov
Mr. John Stone Campbell, III: johnstone.campbell@taylorporter.com, connie.norton@taylorporter.com
Mr. Joshua Joseph Campbell: jcampbell@americafirstpolicy.com
Mr. Jeffrey A. Chanay: jeff.chanay@ag.ks.gov, donna.wells@ag.ks.gov
Mr. Frank Hyok Chang: fchang@adflegal.org, echristoph@adflegal.org
Mr. Matthew James Clark: matt@alabamalawandliberty.org
Mr. John V. Coghlan: john.coghlan@ago.ms.gov
Mr. William Francis Cole: william.cole@oag.texas.gov
Mr. Ronald D. Coleman: rcoleman@dhillonlaw.com, epotter@dhillonlaw.com
Mr. Michael A. Columbo: mcolumbo@dhillonlaw.com
Mr. Christian Brian Corrigan: christian.corrigan@mt.gov, edoj@mt.gov
Mr. David Andrew Cortman: dcortman@adflegal.org, ppaulk@adflegal.org
Mr. Nate Curtisi: ncurtisi@texaspolicy.com, ysimental@texaspolicy.com, slucas@texaspolicy.com
Ms. Sylvia May Davis: may.mailman@ohioago.gov
Mr. David M.S. Dewhirst: david.dewhirst@mt.gov, edoj@mt.gov
Ms. Harmeet Dhillon: harmeet@dhillonlaw.com, htoschi@dhillonlaw.com, hkchoi@dhillonlaw.com, haguillard@dhillonlaw.com
Mr. Buck Dougherty: bdougherty@libertyjusticecenter.org, bkelsey@libertyjusticecenter.org
Mr. Jefferson Downing: jd@keatinglaw.com
Mr. Jeffrey B. Dubner: jdubner@democracyforward.org, ecf@democracyforward.org
Mr. Jeremy Dys: jdys@firstliberty.org, file@firstliberty.org
Mr. Steven R. Eatherly: eatherly@butzel.com
Mr. Drew Curtis Ensign: drew.ensign@azag.gov, dreweensign@gmail.com, acl@azag.gov
Mr. Thomas Molnar Fisher: tom.fisher@atg.in.gov, julia.payne@atg.in.gov, melinda.holmes@atg.in.gov, katherine.jacob@atg.in.gov
Mr. Charles Flores: cflores@beckredden.com, lcrain@beckredden.com, charles-flores-2423@ecf.pacerpro.com
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Subject	FW: 21-7000 MCP No.165, OSHA Covid Rule "judge order filed"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:11:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:11:50.000 PM
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FYI, it sounds like someone already filed with SCOTUS...

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United States Court of Appeals for the Sixth Circuit

Notice of Docket Activity

The following transaction was filed on 12/17/2021

Case Name: MCP No.165, OSHA Covid Rule
Case Number: 21-7000
Document(s): Document(s)

Docket Text:
NON-DISPOSITIVE, PUBLISHED OPINION filed: The government's motion to dissolve the administrative stay [69] is GRANTED. Decision for publication. Julia Smith Gibbons (CONCURRING), Jane Branstetter Stranch (AUTHORING), and Joan L. Larsen (DISSENTING), Circuit Judges. [21-7000, 21-4027, 21-4028, 21-4031, 21-4032, 21-4033, 21-4080, 21-4082, 21-4083, 21-4084, 21-4085, 21-4086, 21-4087, 21-4088, 21-4089, 21-4090, 21-4091, 21-4092, 21-4093, 21-4094, 21-4095, 21-4096, 21-4097, 21-4099, 21-4100, 21-4101, 21-4102, 21-4103, 21-4108, 21-4112, 21-4114, 21-4115, 21-4117, 21-4133, 21-4149, 21-4152, 21-4157] (CL)

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Sagsveen: masagsve@nd.gov Mr. Hiram S Sasser: hsasser@firstliberty.org, file@firstliberty.org Mr. Dean John Sauer, Solicitor: john.sauer@ago.mo.gov, john.sauer@ago.mo.gov, pam.martin@ago.mo.gov Mr. Ryan T. Schelhaas: ryan.schelhaas@wyo.gov Ms. Marisa C. Schnaith: schnaith.marisa.c@dol.gov Mr. Michael B. Schon: mike@lehotskykeller.com Ms. Lindsay Sara See, Solicitor General: lindsay.s.see@wyago.gov, choffman@wyago.gov Mr. Jordan A. Sekulow: jordansekulow@aclj.org, medwards@aclj.org Mr. Brandon James Smith: brandon.smith@ag.tn.gov Ms. Abigail Ann Southerland: asoutherland@aclj.org Mr. Brian James Springer: brian.j.springer@usdoj.gov, civilappellate.ecf@usdoj.gov Ms. Jessica Elizabeth Hart Steinmann: jsteinmann@americafirstpolicy.com Mr. Scott G. Stewart: scott.stewart@ago.ms.gov Ms. Christina Stierhoff: cstierhoff@aclj.org Mr. James Larry Stine: jls@wimlaw.com, nes@wimlaw.com Mr. Judd Edward Stone, II: Judd.Stone@oag.texas.gov, maria.williamson@oag.texas.gov, sabrina.wycoff@oag.texas.gov Ms. Catherine L. Strauss: catherine.strauss@icemiller.com, thyrza.skofield@icemiller.com

Body	Mr. Patrick Strawbridge: patrick@consovoymccarthy.com Mr. Daniel Robert Suhr: dsuhr@libertyjusticecenter.org Mr. James Patrick Sullivan: sully.jps@gmail.com Ms. Krystal Brunner Swendsboe: kswendsboe@wiley.law Mr. Miles Landon Terry: mterry@acli.org Mr. Christopher L. Thacker: christopher.thacker@ky.gov, cthacker@aya.yale.edu Mr. Michael Eugene Toner: mtoner@wiley.law Mr. Martin Totaro: martin.v.totaro@usdoj.gov, civilappellate.ecf@usdoj.gov Mr. Ryan J. Tucker: rtucker@adflegal.org, jperske@adflegal.org Mr. Halron Waites Turner: hwt@tokn.com Mr. Vincent M. Wagner: vincent.wagner@arkansasag.gov Ms. Felicia K. Watson: fwatson@nahb.org Mr. Chance Weldon: cweldon@texaspolicy.com, cdweldon.email@gmail.com, ysimental@texaspolicy.com Mr. Henry Charles Whitaker: henry.whitaker@myfloridalegal.com, jenna.hodges@myfloridalegal.com Mr. Edward Lawrence White: ewhite@acli.org, elwhite3@yahoo.com, JeanneWhite3@yahoo.com Mr. Christopher David Wiest: chris@cwiestlaw.com, chriswiestlaw@yahoo.com Mr. Kurtis T. Wilder: wilder@butzel.com, ingber@butzel.com Mr. Daniel William Wolff: dwolff@crowell.com, bhutter@crowell.com Ms. Allison M. Zieve: azieve@citizen.org, litfilenotify@citizen.org Mr. Peter Ford: pford@ufcw.org (*daily summary*) Mr. Thomas J. Ward: tward@nahb.org (*daily summary*) **Notice will not be electronically mailed to:** Mr. Aaron Abadi 82 Nassau Street Apartment 140 New York, NY 10038 The following document(s) are associated with this transaction: **Document Description:** Cover Letter **Original Filename:** /opt/ACECF/live/forms/CathrynLovely_217000_6725249_CoverLetter-ForPublicationOrder.pdf **Electronic Document Stamp:** [STAMP acecfStamp_ID=1105031299 [Date=12/17/2021] [FileNumber=6725249-1] [a385657aaebf2859602f09df09651a047793e61a5fa0f3a8867bacf1fee8696a95164b8079bfa6f649bd3690 **Recipients:** • Mr. Aaron Abadi • Mr. Robert Alt • Mr. Michael Timothy Anderson • Mr. Ryan Baasch • Mr. Edmund Charles Baird • Mr. Ryan Bangert • Mr. David Joseph Beck • Mr. Craig Becker • Mr. Harold Craig Becker • Mr. Josh Bellinfante • Mr. Ross Warren Bergethon • Ms. Nicole G. Berner • Ms. Louise McGauley Betts • Mr. Keith R. Bolek • Ms. Victoria Louise Bor • Mr. Matthew Scott Bowman • Mr. Charles Edmond Brasington • Mr. Adam C. Breihan • Mr. Brian Alan Broecker • Mr. Jeremy Joseph Broggi • Mr. Nicholas J. Bronni • Mr. John J. Bursch • James A. Campbell • Mr. John Stone Campbell, III • Mr. Joshua Joseph Campbell • Mr. Jeffrey A. Chanay • Mr. Frank Hyok Chang • Mr. Matthew James Clark • Mr. John V. Coghlan • Mr. William Francis Cole • Mr. Ronald D. Coleman • Mr. Michael A. Columbo • Mr. Christian Brian Corrigan • Mr. David Andrew Cortman • Mr. Nate Curtisi • Ms. Sylvia May Davis • Mr. David M.S. Dewhirst • Ms. Harmeet Dhillon • Mr. Buck Dougherty • Mr. Jefferson Downing • Mr. Jeffrey B. Dubner • Mr. Jeremy Dys • Mr. Steven R. Eatherly • Mr. Drew Curtis Ensign • Mr. Thomas Molnar Fisher • Mr. Charles Flores • Mr. Benjamin Michael Flowers • Mr. Peter Ford • Ms. Rachel Fried • Mr. Anthony J. Galdieri • Mr. Thomas P. Gies • Mr. Jamila Gleason • Ms. Brianne Jenna Gorod • Mr. Stanley M. Gosch • Ms. Shannon Marie Grammel • Mr. Grant Joseph Guillot • Mr. Deepak Gupta

Body	

Record 594

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:31:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:30:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:31:01.000 AM

Body

FYI

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, December 20, 2021 11:25 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Team.

Justice Kavanaugh has requested our response to the Governmentâ€™s stay application in the CMS case by December 30 (which, incidentally, is the same day he requested the federal governmentâ€™s response to our stay request in the OSHA case). We will aim to circulate a draft a head of time. Stay tuned.

From: Campbell, Jim
Sent: Thursday, December 16, 2021 5:37 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Team.

The SG just filed an application with SCOTUS to stay the preliminary injunction of the CMS mandate in our case. See attached. Also, a footnote in that filing indicates that they have filed a similar application in the Louisiana CMS case. We will start drafting a response, anticipating that SCOTUS will ask for something by early next week.

From: Campbell, Jim
Sent: Monday, December 13, 2021 11:15 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Attached is the Eighth Circuitâ€™s one-line order denying DOJâ€™s request for a stay pending appeal. The opinion notes that Judge Kelly voted to grant the motion. Iâ€™m not sure if weâ€™ll eventually see an opinion from the court on this or if this is all weâ€™ll get, but the stay will remain in place for the time being. Now weâ€™ll have to see if the DOJ decides to ask SCOTUS for a stay.

From: Osete, Jesus <Jesus.Osete@ago.mo.gov>
Sent: Thursday, December 9, 2021 11:11 AM
To: Campbell, Jim <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Attached is our Response to DOJâ€™s motion to stay pending appeal that was filed yesterday.

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
Missouri Attorney Generalâ€™s Office
207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Monday, December 6, 2021 9:59 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Body

All,

Attached is our draft response to DOJâ€™s stay motion filed in the Eighth Circuit. If you have any suggestions, please send them to me by COB today. Weâ€™re already at the max word limit, but weâ€™ll do our best to incorporate your suggestions, if any. We also may cut out some material to make room for a favorable Fifth Circuit opinion, should we get one today or tomorrow.

Thanks.

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Missouri Attorney Generalâ€™s Office
207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Monday, November 29, 2021 10:43 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

All,

Judge Schelp has granted our motion for a PI! Well done everyone!!

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
Missouri Attorney Generalâ€™s Office
207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Tuesday, November 23, 2021 2:20 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Hey all,

Sorry for the delay. Here is the circulation draft. Please send us any edits in the next hour or so. Sorry again for the short turnaround.

From: Campbell, Jim
Sent: Tuesday, November 23, 2021 11:41 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

We are working to finish the draft of our reply to the CMS defendantsâ€™ opposition (which Jesus circulated yesterday). We plan to circulate that draft to you all in the next hour or two. Because we need to file it by 5:00 Central today, please be on standby and send us any edits you have by 3:30 Central. Thanks.

From: Osete, Jesus <Jesus.Osete@ago.mo.gov>
Sent: Monday, November 22, 2021 10:27 AM
To: Campbell, Jim <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

FYIâ€¯DOJâ€™s opposition to our PI Motion attached.

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Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Tuesday, November 16, 2021 1:02 PM

Body	To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION All, DOJ has reach out to us and proposed filing their opposition to our PI motion by 12pm CT on 11/24 (the day before Thanksgiving). Recall that our motion to expedite proposed their opposition be due this Friday (with our reply brief filed on 11/22) to ensure we have a ruling from Judge Schelp by 5pm on 11/29. John, Jim, and I have conferred and are inclined to not consent to their proposal, as our proposal gives the judge time to consider briefing, hold an evidentiary hearing, and if we donâ€™t get relief, we have time to go to the Eighth Circuit for an injunction pending appeal. Please let us know if you disagree. Thanks. **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Osete, Jesus **Sent:** Friday, November 12, 2021 5:56 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION FYIâ€¨our PI motion is on file. Thank you all for your efforts on such short notice, and a special thank you to Jim, Josh, and Maddie! **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Osete, Jesus **Sent:** Friday, November 12, 2021 3:48 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION Weâ€™ve been assigned to District Judge Matthew T. Schelp, who was appointed by President Trump in 2020. **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Osete, Jesus **Sent:** Friday, November 12, 2021 2:34 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION By my count, NE and MO have received the following number of declarations from you: • Alaska: 2 • Arkansas: 1 • Iowa: 1 • New Hampshire: 2 • North Dakota: 2 • South Dakota: 1 • Wyoming: 1 Starting at 3pm, weâ€™re going to begin finalizing these as exhibits for filing, so if you have any additional materials, please send them by then. Thanks so much for the quick turnaround!

Body

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(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Friday, November 12, 2021 11:21 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

All.

Attached are draft motions (1) for a preliminary injunction, and (2) for expedited consideration. We will be filing everything **today by 4:00 p.m. (CT)**. If possible, please send us any suggestions and declarations by **3pm** to ensure timely filing.

Thanks.

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207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>; Farzin, Leah R (LAW) <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

I agree with everything Jim has said. To that end, I will circulate a draft motion for expedited briefing and consideration of the PI motion with the following proposed schedule:

- DOJ opposition: November 19
- Plaintiff Statesâ€™ Reply: November 22
- A hearing, if the Court deems it necessary, on November 23 (earliest) but no later than November 29 (we should leave the week of the 29th open in case we need to seek emergency relief from the Eighth Circuit/SCOTUS before December 5).

Let us know if you have any thoughts. Thanks.

Jesus A. Osete | Deputy Solicitor General & Deputy Attorney General for Special Litigation
Missouri Attorney Generalâ€™s Office
207 West High St
Jefferson City, MO 65101
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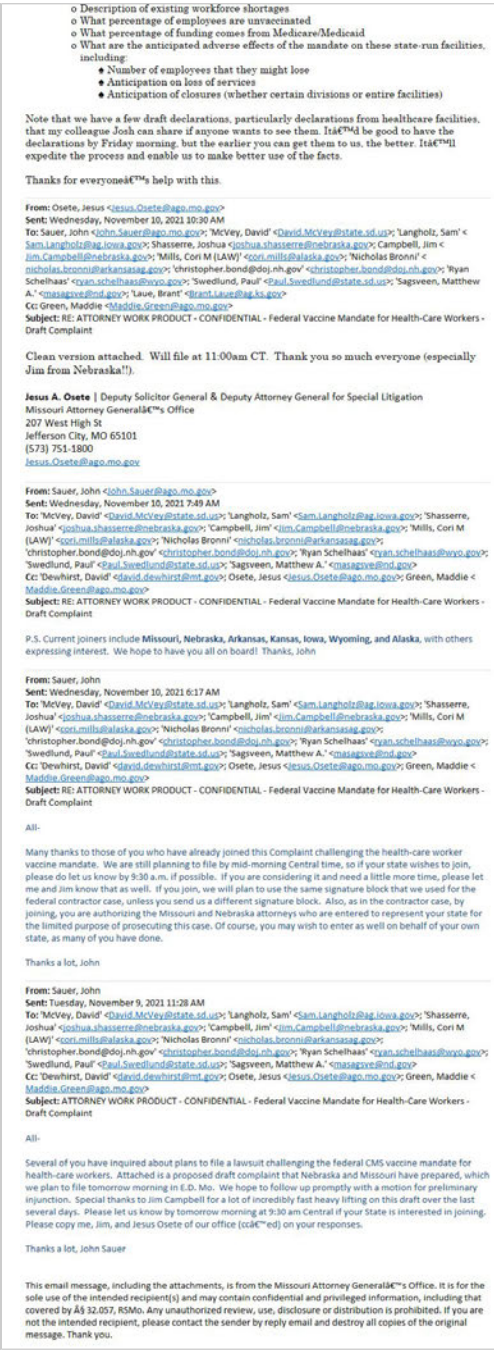
Jesus.Osete@ago.mo.gov

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Wednesday, November 10, 2021 11:17 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>; Farzin, Leah R (LAW) <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

While Jesus is getting the complaint filed, I wanted to let you all know that our plan is to file a MPI on Friday. While this schedule is aggressive, so is the timeline weâ€™re up against. The mandate requires all covered employees to get their first shots by December 5, and obviously decisions by healthcare workers and facilities need to be made before then. So please start gathering declarations in support of the MPI. Here are the kinds of facts we need (Jesus, Maddie, John, and Josh, please feel free to add others) Note that Iâ€™ve highlighted the most important ones:

- Facts showing the existing healthcare staffing shortages in your state
- Facts about your state-run healthcare agencies that will be covered by the mandate
  - How many
  - How large
  - Description of existing workforce shortages
  - What percentage of employees are unvaccinated
  - What percentage of funding comes from Medicare/Medicaid
  - What are the anticipated adverse effects of the mandate on these state-run facilities, including:
    - Number of employees that they might lose
    - Anticipation on loss of services
    - Anticipation of closures (whether certain divisions or entire facilities)
- Facts about your state surveyors
  - How many
  - Confirm that they are state employees
  - Describe their duties in enforcing Medicare/Medicaid compliance
- Facts about specific healthcare facilities in your state that are willing to give a helpful declaration

Body	

o Description of existing workforce shortages
o What percentage of employees are unvaccinated
o What percentage of funding comes from Medicare/Medicaid
o What are the anticipated adverse effects of the mandate on these state-run facilities, including:
♦ Number of employees that they might lose
♦ Anticipation on loss of services
♦ Anticipation of closures (whether certain divisions or entire facilities)

Note that we have a few draft declarations, particularly declarations from healthcare facilities, that my colleague Josh can share if anyone wants to see them. Itâ€™d be good to have the declarations by Friday morning, but the earlier you can get them to us, the better. Itâ€™ll expedite the process and enable us to make better use of the facts.

Thanks for everyoneâ€™s help with this.

From: Osete, Jesus <Jesus.Osete@ago.mo.gov>
Sent: Wednesday, November 10, 2021 10:30 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

Clean version attached. Will file at 11:00am CT. Thank you so much everyone (especially Jim from Nebraska!!).

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From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Wednesday, November 10, 2021 7:49 AM
To: 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>
Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

P.S. Current joiners include **Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, and Alaska**, with others expressing interest. We hope to have you all on board! Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 6:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>
Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

All-

Many thanks to those of you who have already joined this Complaint challenging the health-care worker vaccine mandate. We are still planning to file by mid-morning Central time, so if your state wishes to join, please do let us know by 9:30 a.m. if possible. If you are considering it and need a little more time, please let me and Jim know that as well. If you join, we will plan to use the same signature block that we used for the federal contractor case, unless you send us a different signature block. Also, as in the contractor case, by joining, you are authorizing the Missouri and Nebraska attorneys who are entered to represent your state for the limited purpose of prosecuting this case. Of course, you may wish to enter as well on behalf of your own state, as many of you have done.

Thanks a lot, John

From: Sauer, John
Sent: Tuesday, November 9, 2021 11:28 AM
To: 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>
Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

All-

Several of you have inquired about plans to file a lawsuit challenging the federal CMS vaccine mandate for health-care workers. Attached is a proposed draft complaint that Nebraska and Missouri have prepared, which we plan to file tomorrow morning in E.D. Mo. We hope to follow up promptly with a motion for preliminary injunction. Special thanks to Jim Campbell for a lot of incredibly fast heavy lifting on this draft over the last several days. Please let us know by tomorrow morning at 9:30 am Central if your State is interested in joining. Please copy me, Jim, and Jesus Osete of our office (ccâ€™ed) on your responses.

Thanks a lot, John Sauer

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Record 595

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:31:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:30:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 11:31:01.000 AM

Body

FYI

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, December 20, 2021 11:25 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Team.

Justice Kavanaugh has requested our response to the Governmentâ€™s stay application in the CMS case by December 30 (which, incidentally, is the same day he requested the federal governmentâ€™s response to our stay request in the OSHA case). We will aim to circulate a draft a head of time. Stay tuned.

From: Campbell, Jim
Sent: Thursday, December 16, 2021 5:37 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Team.

The SG just filed an application with SCOTUS to stay the preliminary injunction of the CMS mandate in our case. See attached. Also, a footnote in that filing indicates that they have filed a similar application in the Louisiana CMS case. We will start drafting a response, anticipating that SCOTUS will ask for something by early next week.

From: Campbell, Jim
Sent: Monday, December 13, 2021 11:15 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Attached is the Eighth Circuitâ€™s one-line order denying DOJâ€™s request for a stay pending appeal. The opinion notes that Judge Kelly voted to grant the motion. Iâ€™m not sure if weâ€™ll eventually see an opinion from the court on this or if this is all weâ€™ll get, but the stay will remain in place for the time being. Now weâ€™ll have to see if the DOJ decides to ask SCOTUS for a stay.

From: Osete, Jesus <Jesus.Osete@ago.mo.gov>
Sent: Thursday, December 9, 2021 11:11 AM
To: Campbell, Jim <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Attached is our Response to DOJâ€™s motion to stay pending appeal that was filed yesterday.

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From: Osete, Jesus
Sent: Monday, December 6, 2021 9:59 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Body

All,

Attached is our draft response to DOJâ€™s stay motion filed in the Eighth Circuit. If you have any suggestions, please send them to me by COB today. Weâ€™re already at the max word limit, but weâ€™ll do our best to incorporate your suggestions, if any. We also may cut out some material to make room for a favorable Fifth Circuit opinion, should we get one today or tomorrow.

Thanks.

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From: Osete, Jesus
Sent: Monday, November 29, 2021 10:43 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

All.

Judge Schelp has granted our motion for a PI! Well done everyone!!

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(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Tuesday, November 23, 2021 2:20 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

Hey all.

Sorry for the delay. Here is the circulation draft. Please send us any edits in the next hour or so. Sorry again for the short turnaround.

From: Campbell, Jim
Sent: Tuesday, November 23, 2021 11:41 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

We are working to finish the draft of our reply to the CMS defendantsâ€™ opposition (which Jesus circulated yesterday). We plan to circulate that draft to you all in the next hour or two. Because we need to file it by 5:00 Central today, please be on standby and send us any edits you have by 3:30 Central. Thanks.

From: Osete, Jesus <Jesus.Osete@ago.mo.gov>
Sent: Monday, November 22, 2021 10:27 AM
To: Campbell, Jim <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

FYIâ€¦DOJâ€™s opposition to our PI Motion attached.

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Jefferson City, MO 65101
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Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Tuesday, November 16, 2021 1:02 PM

Body	To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>; 'Wiard, Kurtis' <Kurtis.Wiard@ag.ks.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION All, DOJ has reach out to us and proposed filing their opposition to our PI motion by 12pm CT on 11/24 (the day before Thanksgiving). Recall that our motion to expedite proposed their opposition be due this Friday (with our reply brief filed on 11/22) to ensure we have a ruling from Judge Schelp by 5pm on 11/29. John, Jim, and I have conferred and are inclined to not consent to their proposal, as our proposal gives the judge time to consider briefing, hold an evidentiary hearing, and if we donâ€™t get relief, we have time to go to the Eighth Circuit for an injunction pending appeal. Please let us know if you disagree. Thanks. **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Osete, Jesus **Sent:** Friday, November 12, 2021 5:56 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION FYIâ€¨our PI motion is on file. Thank you all for your efforts on such short notice, and a special thank you to Jim, Josh, and Maddie! **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Osete, Jesus **Sent:** Friday, November 12, 2021 3:48 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION Weâ€™ve been assigned to District Judge Matthew T. Schelp, who was appointed by President Trump in 2020. **Jesus A. Osete** | Deputy Solicitor General & Deputy Attorney General for Special Litigation Missouri Attorney Generalâ€™s Office 207 West High St Jefferson City, MO 65101 (573) 751-1800 Jesus.Osete@ago.mo.gov **From:** Osete, Jesus **Sent:** Friday, November 12, 2021 2:34 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov> Cc: Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION By my count, NE and MO have received the following number of declarations from you: • Alaska: 2 • Arkansas: 1 • Iowa: 1 • New Hampshire: 2 • North Dakota: 2 • South Dakota: 1 • Wyoming: 1 Starting at 3pm, weâ€™re going to begin finalizing these as exhibits for filing, so if you have any additional materials, please send them by then. Thanks so much for the quick turnaround!

Body

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Missouri Attorney Generalâ€™s Office
207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Friday, November 12, 2021 11:21 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>; 'Farzin, Leah R (LAW)' <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft PI MOTION

All.

Attached are draft motions (1) for a preliminary injunction, and (2) for expedited consideration. We will be filing everything **today by 4:00 p.m. (CT)**. If possible, please send us any suggestions and declarations by **3pm** to ensure timely filing.

Thanks.

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207 West High St
Jefferson City, MO 65101
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Osete, Jesus
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>; Farzin, Leah R (LAW) <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

I agree with everything Jim has said. To that end, I will circulate a draft motion for expedited briefing and consideration of the PI motion with the following proposed schedule:

- DOJ opposition: November 19
- Plaintiff Statesâ€™ Reply: November 22
- A hearing, if the Court deems it necessary, on November 23 (earliest) but no later than November 29 (we should leave the week of the 29th open in case we need to seek emergency relief from the Eighth Circuit/SCOTUS before December 5).

Let us know if you have any thoughts. Thanks.

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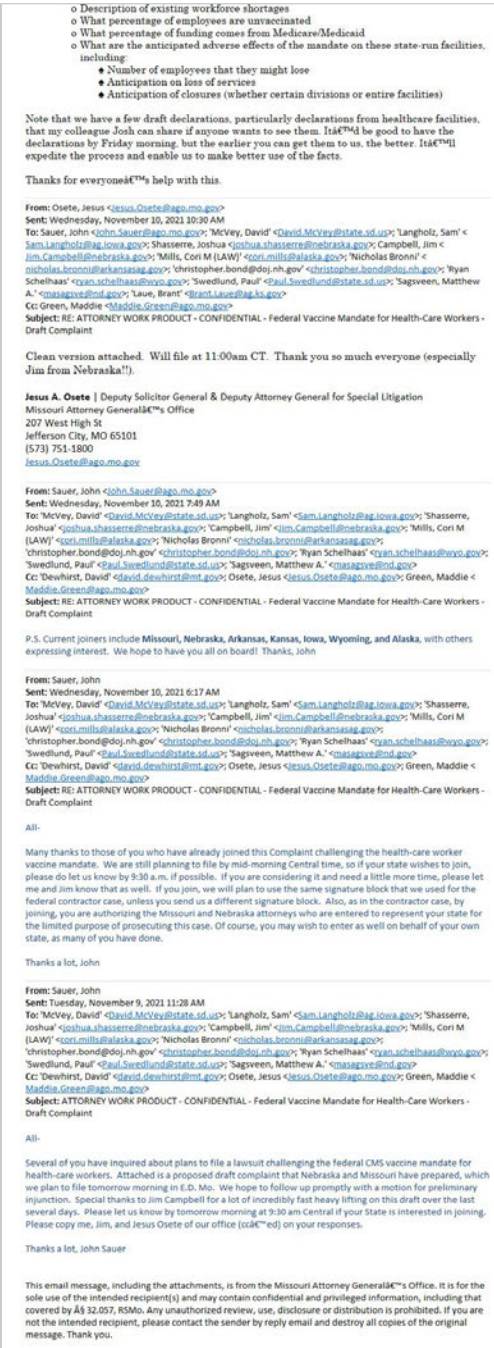
(573) 751-1800
Jesus.Osete@ago.mo.gov

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Wednesday, November 10, 2021 11:17 AM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>; Farzin, Leah R (LAW) <leah.farzin@alaska.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

While Jesus is getting the complaint filed, I wanted to let you all know that our plan is to file a MPI on Friday. While this schedule is aggressive, so is the timeline weâ€™re up against. The mandate requires all covered employees to get their first shots by December 5, and obviously decisions by healthcare workers and facilities need to be made before then. So please start gathering declarations in support of the MPI. Here are the kinds of facts we need (Jesus, Maddie, John, and Josh, please feel free to add others) Note that Iâ€™ve highlighted the most important ones:

- Facts showing the existing healthcare staffing shortages in your state
- Facts about your state-run healthcare agencies that will be covered by the mandate
  - How many
  - How large
  - Description of existing workforce shortages
  - What percentage of employees are unvaccinated
  - What percentage of funding comes from Medicare/Medicaid
  - What are the anticipated adverse effects of the mandate on these state-run facilities, including:
    - Number of employees that they might lose
    - Anticipation on loss of services
    - Anticipation of closures (whether certain divisions or entire facilities)
- Facts about your state surveyors
  - How many
  - Confirm that they are state employees
  - Describe their duties in enforcing Medicare/Medicaid compliance
- Facts about specific healthcare facilities in your state that are willing to give a helpful declaration

Body	

o Description of existing workforce shortages
o What percentage of employees are unvaccinated
o What percentage of funding comes from Medicare/Medicaid
o What are the anticipated adverse effects of the mandate on these state-run facilities, including:
♦ Number of employees that they might lose
♦ Anticipation on loss of services
♦ Anticipation of closures (whether certain divisions or entire facilities)

Note that we have a few draft declarations, particularly declarations from healthcare facilities, that my colleague Josh can share if anyone wants to see them. Itâ€™d be good to have the declarations by Friday morning, but the earlier you can get them to us, the better. Itâ€™ll expedite the process and enable us to make better use of the facts.

Thanks for everyoneâ€™s help with this.

From: Osete, Jesus <Jesus.Osete@ago.mo.gov>
Sent: Wednesday, November 10, 2021 10:30 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>
Cc: Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

Clean version attached. Will file at 11:00am CT. Thank you so much everyone (especially Jim from Nebraska!!).

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Jesus.Osete@ago.mo.gov

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Wednesday, November 10, 2021 7:49 AM
To: 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>
Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

P.S. Current joiners include **Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, and Alaska**, with others expressing interest. We hope to have you all on board! Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 6:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>
Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

All-

Many thanks to those of you who have already joined this Complaint challenging the health-care worker vaccine mandate. We are still planning to file by mid-morning Central time, so if your state wishes to join, please do let us know by 9:30 a.m. if possible. If you are considering it and need a little more time, please let me and Jim know that as well. If you join, we will plan to use the same signature block that we used for the federal contractor case, unless you send us a different signature block. Also, as in the contractor case, by joining, you are authorizing the Missouri and Nebraska attorneys who are entered to represent your state for the limited purpose of prosecuting this case. Of course, you may wish to enter as well on behalf of your own state, as many of you have done.

Thanks a lot, John

From: Sauer, John
Sent: Tuesday, November 9, 2021 11:28 AM
To: 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>
Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint

All-

Several of you have inquired about plans to file a lawsuit challenging the federal CMS vaccine mandate for health-care workers. Attached is a proposed draft complaint that Nebraska and Missouri have prepared, which we plan to file tomorrow morning in E.D. Mo. We hope to follow up promptly with a motion for preliminary injunction. Special thanks to Jim Campbell for a lot of incredibly fast heavy lifting on this draft over the last several days. Please let us know by tomorrow morning at 9:30 am Central if your State is interested in joining. Please copy me, Jim, and Jesus Osete of our office (ccâ€™ed) on our responses.

Thanks a lot, John Sauer

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Record 596

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 1:12:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 1:12:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 1:12:15.000 PM

Body

FYI...

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Monday, December 20, 2021 12:33 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com
Cc: May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; James Percival <James.Percival@myfloridalegal.com>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; ryan.schelhaas@wyo.gov; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; McVey, David <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Tyler Green <tyler@consovoymccarthy.com>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>; Jeff Hetzel <jhetzel@consovoymccarthy.com>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Subject: RE: Head Start

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends:
Attached is the **clean draft of the Complaint and the PI Memo.** Please provide any **final edits** to Tyler/Jeff **by 4 p.m. Central today.** **We plan to file tomorrow morning.** Our press office will reach out to yours with a swiss cheese release if you want to use it. The list of declarations are listed below. We have enough declarations to file (a very good pile), and we can supplement if we get others.

Decs:

- A: NHSA Summary & Letter to Javier Becerra
- B: Amy Jacobs, Comm'r GA Early Care and Learning
- C: JH Thompson, Supt, NE school system
- D: Wes Watts, Supt, WBR School system
- E: Jeff Powell, Supt., Rapides Parish School system
- F: Marcus Bevier, HS program dir., SD
- G: Krystie Hohnstein, HS program dir. NE
- H: Dr. Tamera Hummel, HS program ED in SD
- I: Sue Glodt, HS program dir, SD
- J: Juli Schultz, HS program dir, SD
- K: Jessi Hegg, HS program dir. ND
- L: Amanda Gross, HS teacher (Dry Prong, LA)
- M: Lisa Sanburn, HS teacher assistant (Dry Prong, LA)
- N: Tammie Slayter, HS teacher (Cofax, LA)
- O: Utah Dec – So. UT University

Liz

From: Murrill, Elizabeth
Sent: Friday, December 17, 2021 4:53 PM
To: 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com
Cc: 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'thomashydrick@scag.gov' <thomashydrick@scag.gov>; 'SPetrany@law.ga.gov' <SPetrany@law.ga.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'katherine.robertson@alabamaag.gov' <katherine.robertson@alabamaag.gov>; 'Justin Matheny' <Justin.Matheny@ago.ms.gov>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Michael R. Williams' <

Body

Michael R. Williams <Michael.R.Williams@wvago.gov>; Thacker, Christopher L (KYOAG) <Christopher.Thacker@KY.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Tyler Green <tyler@consovoymccarthy.com>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>
Subject: RE: Head Start

Friends:
Attached is the working draft of the Complaint, which still has a few nits I need to run down. I apologize if I did not get in some of the edits. If I missed something you feel strongly needs fixing or changing, please email me. A couple of overall comments (hopefully nothing deal breaking):

- I moderated some adjectives/rhetoric as recommended by several states.
- I am reviewing the use of child/children/toddler throughout to make sure we use it appropriately in that sentence. Sometimes it makes sense to emphasize they are toddlers and sometimes its better to say child/children.
- Used "staff and volunteers" rather than "educators" and will search for any places we need to replace. (the rule actually goes beyond them so we point that out in places too.)
- Amped up some of the blended funds paragraphs and will have Declarations from Louisiana school Superintendents on that point. GA also had some State enforcement. I think we are in a good spot with regard to state impacts.
- I did not take out the references to harm to the toddlers due to the Toddler Mask Mandate b/c we are seeking a TRO/PI to halt that immediately. We have to show its harmful or we can't meet the legal standard. I will have a pediatrician to back up the allegations. And if we have a live PI hearing, I may put some teachers on the stand to talk about the practical effect in the classroom of this requirement.

PLEASE CHECK YOUR SIG BLOCKS.
Tyler and his rock stars are working on the PI memo. **IF YOU HAVE A DECLARATION COMING, PLEASE CC TYLER WHEN YOU SEND TO ME. A few of the Decs are attached for your reference (so far we are likely to have about 15). I also attached the NHSA summary of its survey after the rule came out. The Director of Gov't Relations returned my call tonight. He is checking on my request for someone to do a declaration that authenticates their letter to Becerra and this summary of their survey. If they don't, I may just attach it anyway b/c they sent it to Becerra.**

THANKS FOR YOUR PARTICIPATION. WE HAVE A REALLY STRONG COALITION. HOPING TO FILE THE WHOLE PACKAGE MONDAY.

Liz

From: Murrill, Elizabeth
Sent: Wednesday, December 15, 2021 4:46 PM
To: 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <Jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov>
Cc: 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <Jim.campbell@nebraska.gov>; 'thomashydrick@scag.gov' <thomashydrick@scag.gov>; 'SPetrany@law.ga.gov' <SPetrany@law.ga.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; 'McVey, David' <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>
Subject: RE: Head Start

Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations.

Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.

If I missed edits you suggested, please resend them to me.

Liz

From: Murrill, Elizabeth
Sent: Tuesday, December 14, 2021 12:56 PM
To: 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>;

Body	'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov> **Cc:** 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'thomashydrick@scag.gov' <thomashydrick@scag.gov>; 'SPetrany@law.ga.gov' <SPetrany@law.ga.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'James.Percival' <James.Percival@myfloridalegal.com>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov> **Subject:** RE: Head Start Attached is a draft declaration you can use. It would be helpful to be able to add more statements related to the masking of 2 year olds. This one relates primarily to the vax req. I think it would help to have some teachers say it takes up important teaching time policing masking, its unhygienic for kids that young b/c they drop them and get their snot all over them and put them in their mouths or trade them, and the increased tension with the child inhibits the relationship with the teacher and child and interferes with learning. **From:** Murrill, Elizabeth **Sent:** Tuesday, December 14, 2021 7:59 AM **To:** Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov> **Subject:** RE: Head Start Friends – attached is the draft complaint. Edits are welcome. I will send a draft declaration later this morning. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 1, 2021 12:06 PM **To:** Osete, Jesus; 'Dewhirst, David'; Sauer, John; 'Benjamin Flowers'; Andree.Blumstein@ag.tn.gov; Campbell, Jim; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser; Smith, Emory; 'Fisher, Tom'; Galdieri, Anthony; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian; 'LaCour, Edmund'; 'Laue, Brant'; 'Lindsay S. See'; 'masagsve@nd.gov'; Melissa Holyoak; 'Meredith, Chad (KYOAG)'; Mansinghani, Mithun; Bronni, Nicholas; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon; 'Roysden, Beau'; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell'; 'Scott Stewart'; sean.gill@doj.nh.gov; 'Stone, Judd'; Thomas Hydrick; Travis Johnson; Zach West **Cc:** May Mailman; Campbell, Jim **Subject:** RE: Head Start Please let me know if you are interested in joining a suit on the Head Start Vax Mandate rule that was issued yesterday. The masking requirements for 2 year olds takes effect immediately. I am not sure how this is being handled currently in these programs, but the Head Start guidance did not require it until the 29th I don't think. (The Early Care guidance was updated November 10, 2021; the Head Start guidance was updated November 29 (Monday)). We are working up a complaint, TRO, and PI. The TRO is necessary due to the masking requirements for 2 years olds, which took effect upon publication. An expedited PI would likely be necessary in the absence of a TRO due to the deadlines for compliance. Please let me know if you are interested in joining. We may be filing this one in the Eastern District of Louisiana due to a high number of Head Start programs located there. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	lbrocker@nd.gov
Attachments	14898.docx, 15961.docx

Record 597

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 1:12:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 1:12:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 1:12:15.000 PM

Body

FYI…

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Monday, December 20, 2021 12:33 PM
To: Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com
Cc: May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; James Percival <James.Percival@myfloridalegal.com>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; ryan.schelhaas@wyo.gov; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; McVey, David <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Tyler Green <tyler@consovoymccarthy.com>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>; Jeff Hetzel <jhetzel@consovoymccarthy.com>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Subject: RE: Head Start

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends:
Attached is the **clean draft of the Complaint and the PI Memo.** Please provide any **final edits** to Tyler/Jeff **by 4 p.m. Central today.** **We plan to file tomorrow morning.** Our press office will reach out to yours with a swiss cheese release if you want to use it. The list of declarations are listed below. We have enough declarations to file (a very good pile), and we can supplement if we get others.

Decs:

- A: NHSA Summary & Letter to Javier Becerra
- B: Amy Jacobs, Comm'r GA Early Care and Learning
- C: JH Thompson, Supt, NE school system
- D: Wes Watts, Supt, WBR School system
- E: Jeff Powell, Supt., Rapides Parish School system
- F: Marcus Bevier, HS program dir., SD
- G: Krystie Hohnstein, HS program dir. NE
- H: Dr. Tamera Hummel, HS program ED in SD
- I: Sue Glodt, HS program dir, SD
- J: Juli Schultz, HS program dir, SD
- K: Jessi Hegg, HS program dir. ND
- L: Amanda Gross, HS teacher (Dry Prong, LA)
- M: Lisa Sanburn, HS teacher assistant (Dry Prong, LA)
- N: Tammie Slayter, HS teacher (Cofax, LA)
- O: Utah Dec – So. UT University

Liz

From: Murrill, Elizabeth
Sent: Friday, December 17, 2021 4:53 PM
To: 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com
Cc: 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'thomashydrick@scag.gov' <thomashydrick@scag.gov>; 'SPetrany@law.ga.gov' <SPetrany@law.ga.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'katherine.robertson@alabamaag.gov' <katherine.robertson@alabamaag.gov>; 'Justin Matheny' <Justin.Matheny@ago.ms.gov>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Michael R. Williams' <

Body

Michael R. Williams <Michael.R.Williams@wvago.gov>; Thacker, Christopher L (KYOAG) <Christopher.Thacker@KY.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Tyler Green <tyler@consovoymccarthy.com>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>
Subject: RE: Head Start

Friends:
Attached is the working draft of the Complaint, which still has a few nits I need to run down. I apologize if I did not get in some of the edits. If I missed something you feel strongly needs fixing or changing, please email me. A couple of overall comments (hopefully nothing deal breaking):

- I moderated some adjectives/rhetoric as recommended by several states.
- I am reviewing the use of child/children/toddler throughout to make sure we use it appropriately in that sentence. Sometimes it makes sense to emphasize they are toddlers and sometimes its better to say child/children.
- Used "staff and volunteers" rather than "educators" and will search for any places we need to replace. (the rule actually goes beyond them so we point that out in places too.)
- Amped up some of the blended funds paragraphs and will have Declarations from Louisiana school Superintendents on that point. GA also had some State enforcement. I think we are in a good spot with regard to state impacts.
- I did not take out the references to harm to the toddlers due to the Toddler Mask Mandate b/c we are seeking a TRO/PI to halt that immediately. We have to show its harmful or we can't meet the legal standard. I will have a pediatrician to back up the allegations. And if we have a live PI hearing, I may put some teachers on the stand to talk about the practical effect in the classroom of this requirement.

PLEASE CHECK YOUR SIG BLOCKS.
Tyler and his rock stars are working on the PI memo. **IF YOU HAVE A DECLARATION COMING, PLEASE CC TYLER WHEN YOU SEND TO ME. A few of the Decs are attached for your reference (so far we are likely to have about 15). I also attached the NHSA summary of its survey after the rule came out. The Director of Gov't Relations returned my call tonight. He is checking on my request for someone to do a declaration that authenticates their letter to Becerra and this summary of their survey. If they don't, I may just attach it anyway b/c they sent it to Becerra.**

THANKS FOR YOUR PARTICIPATION. WE HAVE A REALLY STRONG COALITION. HOPING TO FILE THE WHOLE PACKAGE MONDAY.

Liz

From: Murrill, Elizabeth
Sent: Wednesday, December 15, 2021 4:46 PM
To: 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <Jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov>
Cc: 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <Jim.campbell@nebraska.gov>; 'thomashydrick@scag.gov' <thomashydrick@scag.gov>; 'SPetrany@law.ga.gov' <SPetrany@law.ga.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; 'McVey, David' <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>
Subject: RE: Head Start

Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations.

Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.

If I missed edits you suggested, please resend them to me.

Liz

From: Murrill, Elizabeth
Sent: Tuesday, December 14, 2021 12:56 PM
To: 'Osete, Jesus' <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Sauer, John' <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>;

Body	'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Corrine.Youngs@atg.in.gov' <Corrine.Youngs@atg.in.gov>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Smith, Emory' <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; 'Galdieri, Anthony' <Anthony.J.Galdieri@doj.nh.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'Higgins, Kevin A (LAW' <kevin.higgins@alaska.gov>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'Kane, Brian' <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; 'Melissa Holyoak' <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Richard.Martin@myfloridalegal.com' <Richard.Martin@myfloridalegal.com>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; 'sean.gill@doj.nh.gov' <sean.gill@doj.nh.gov>; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'Travis Johnson' <TJohnson@LAW.GA.GOV>; 'Zach West' <zach.west@oag.ok.gov> **Cc:** 'May Mailman' <May.Mailman@OhioAGO.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'thomashydrick@scag.gov' <thomashydrick@scag.gov>; 'SPetrany@law.ga.gov' <SPetrany@law.ga.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'James.Percival' <James.Percival@myfloridalegal.com>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov> **Subject:** RE: Head Start Attached is a draft declaration you can use. It would be helpful to be able to add more statements related to the masking of 2 year olds. This one relates primarily to the vax req. I think it would help to have some teachers say it takes up important teaching time policing masking, its unhygienic for kids that young b/c they drop them and get their snot all over them and put them in their mouths or trade them, and the increased tension with the child inhibits the relationship with the teacher and child and interferes with learning. **From:** Murrill, Elizabeth **Sent:** Tuesday, December 14, 2021 7:59 AM **To:** Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'masagsve@nd.gov'; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov> **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov> **Subject:** RE: Head Start Friends – attached is the draft complaint. Edits are welcome. I will send a draft declaration later this morning. Liz **From:** Murrill, Elizabeth **Sent:** Wednesday, December 1, 2021 12:06 PM **To:** Osete, Jesus; 'Dewhirst, David'; Sauer, John; 'Benjamin Flowers'; Andree.Blumstein@ag.tn.gov; Campbell, Jim; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser; Smith, Emory; 'Fisher, Tom'; Galdieri, Anthony; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian; 'LaCour, Edmund'; 'Laue, Brant'; 'Lindsay S. See'; 'masagsve@nd.gov'; Melissa Holyoak; 'Meredith, Chad (KYOAG)'; Mansinghani, Mithun; Bronni, Nicholas; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon; 'Roysden, Beau'; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell'; 'Scott Stewart'; sean.gill@doj.nh.gov; 'Stone, Judd'; Thomas Hydrick; Travis Johnson; Zach West **Cc:** May Mailman; Campbell, Jim **Subject:** RE: Head Start Please let me know if you are interested in joining a suit on the Head Start Vax Mandate rule that was issued yesterday. The masking requirements for 2 year olds takes effect immediately. I am not sure how this is being handled currently in these programs, but the Head Start guidance did not require it until the 29th I don't think. (The Early Care guidance was updated November 10, 2021; the Head Start guidance was updated November 29 (Monday)). We are working up a complaint, TRO, and PI. The TRO is necessary due to the masking requirements for 2 years olds, which took effect upon publication. An expedited PI would likely be necessary in the absence of a TRO due to the deadlines for compliance. Please let me know if you are interested in joining. We may be filing this one in the Eastern District of Louisiana due to a high number of Head Start programs located there. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	lbrocker@nd.gov
Attachments	12602.docx, 12603.docx

Record 598

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Court Grants Preliminary Injunction in Fed. Contractor Case/Applies to ND
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:03:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:03:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:03:05.000 PM

Body

FYI!

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, December 20, 2021 4:36 PM
To: Talent, Michael <Michael.Talent@ago.mo.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov>
Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Lanahan, Maria <Maria.Lanahan@ago.mo.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Gregory, Kaleb <Kaleb.Gregory@ago.mo.gov>
Subject: RE: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update

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Good afternoon,

Please find attached the filed version of the draft Jim sent around. I hope everyone has a good weekend.

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Missouri Attorney General's Office
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St. Louis, MO 63101
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CC	ndyon@nd.gov, jharju@undeerc.org
Attachments	15960.pdf

Record 599

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Court Grants Preliminary Injunction in Fed. Contractor Case/Applies to ND
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:03:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:03:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:03:05.000 PM

Body

FYI!

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Attachments	12601.pdf

Record 600

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	FW: Head Start - as filed copies
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 3:58:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 3:58:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 3:58:58.000 PM

Body	FYI **From:** Tyler Green <tyler@consovoymccarthy.com> **Sent:** Tuesday, December 21, 2021 3:54 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; James Percival <James.Percival@myfloridalegal.com>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; ryan.schelhaas@wyo.gov; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; McVey, David <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>; Jeff Hetzel <jhetzel@consovoymccarthy.com>; Tyler@consovoymccarthy.com **Subject:** Head Start - as filed copies ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi all, At Liz's request, attached are copies of the as-filed complaint, PI motion, and PI memo. We have not included here copies of the supporting declarations because there are so many of them. But if you'd like copies, please let us know and we'll be happy to send them along. Thank you, Tyler
CC	tseibel@nd.gov
Attachments	15957.pdf, 15958.pdf, 1[15959].pdf

Record 601

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Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 3:58:53.000 PM
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Body	FYI **From:** Tyler Green <tyler@consovoymccarthy.com> **Sent:** Tuesday, December 21, 2021 3:54 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; James Percival <James.Percival@myfloridalegal.com>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; ryan.schelhaas@wyo.gov; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; McVey, David <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>; Jeff Hetzel <jhetzel@consovoymccarthy.com>; Tyler@consovoymccarthy.com **Subject:** Head Start - as filed copies ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi all, At Liz's request, attached are copies of the as-filed complaint, PI motion, and PI memo. We have not included here copies of the supporting declarations because there are so many of them. But if you'd like copies, please let us know and we'll be happy to send them along. Thank you, Tyler
CC	tseibel@nd.gov
Attachments	12598.pdf, 12599.pdf, 1[12600].pdf

Record 602

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: OSHA - Evidence
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:55:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:55:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:55:47.000 AM

Body

Yep, I got it. I don't believe we filed a declaration in this case.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 23, 2021 8:53 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: OSHA - Evidence

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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Thursday, December 23, 2021 8:15:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; Kaste, James <James.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'>
Subject: OSHA - Evidence

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If any of you submitted evidence in the OSHA case (declarations and the like), would you mind letting me know?

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Wednesday, December 22, 2021 6:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <James.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <

Body	cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Subject:** OSHA ARGUMENT SCHEDULED FOR 1/7 **Importance:** High SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time **Ben Flowers** **Ohio Solicitor General** **Office of Ohio Attorney General Dave Yost** **Office number:** (614) 728-7511 **Cell phone:** (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov **Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.** **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Date:** Saturday, Dec 18, 2021, 8:50 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'John.sauer@ago.mo.gov' <'John.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <Judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <James.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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CC	tseibel@nd.gov

Record 603

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: OSHA - Evidence
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:55:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:55:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:55:47.000 AM

Body

Yep, I got it. I don't believe we filed a declaration in this case.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 23, 2021 8:53 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: OSHA - Evidence

Sent from my Verizon, Samsung Galaxy smartphone
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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Thursday, December 23, 2021 8:15:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; Kaste, James <James.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'>
Subject: OSHA - Evidence

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If any of you submitted evidence in the OSHA case (declarations and the like), would you mind letting me know?

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Wednesday, December 22, 2021 6:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <James.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <

Body	cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Subject:** OSHA ARGUMENT SCHEDULED FOR 1/7 **Importance:** High SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time **Ben Flowers** **Ohio Solicitor General** **Office of Ohio Attorney General Dave Yost** **Office number:** (614) 728-7511 **Cell phone:** (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov **Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.** **From:** Murrill, Elizabeth <Murrille@ag.louisiana.gov> **Date:** Saturday, Dec 18, 2021, 8:50 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>, 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>, 'BCook@scag.gov' <BCook@scag.gov>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>, 'David.mcvey@state.sd.us' <David.mcvey@state.sd.us>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'John.sauer@ago.mo.gov' <John.sauer@ago.mo.gov>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <Judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>, Kaste, James <James.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <masagsve@nd.gov>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>, 'rcantrell@agutah.gov' <rcantrell@agutah.gov>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <Shannon.Grammel@ag.ks.gov>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <steven.blair@state.sd.us>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>, 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>, 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <whitney.lipscomb@ago.ms.gov>, 'wstenehjem@nd.gov' <wstenehjem@nd.gov>, 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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CC	tseibel@nd.gov

Record 604

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: Non-Urgent Request Related to Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:20:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:20:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:20:41.000 PM

Body	Thoughts on this? Get Outlook for iOS **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Friday, December 24, 2021 10:20:01 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov> **Cc:** Rubin, Howard R. <howard.rubin@katten.com>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Subject:** Non-Urgent Request Related to Wehbi ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt and Jim, Let me preface this e-mail by saying that a response is not urgent. Mike Schwab of the North Dakota Pharmacists Association reached out to me about speaking at a convention that they are planning to hold in March. He'd like me to discuss *Rutledge* and *Wehbi*. Mike also mentioned that Wayne might participate. Because of my role on behalf of the State, I would not agree to participate without your approval and Mark's. And because of the pendency of the litigation, I would only speak factually about the case. I would not make any predictions about how *Wehbi* affects other statutes. Indeed, my approach, and Howard's, has always been to assume that our adversary is sitting in the room. As a result, we have been very careful about what we've said about *Rutledge* in the past. Mark and I spoke the other day, and he is comfortable with me giving a presentation along the lines I've just proposed. Howard and I wanted to make sure you agree before I accept any invitation from Mike. Howard and I are also happy to share in advance any PowerPoint presentation we prepare, so that you can vet it beforehand. Again, this is not urgent. When you have a few minutes, please let us know if you are comfortable with my participation at the conference. I will then get back to Mike. Finally, on behalf of Howard and myself, I wanted to express our appreciation for the opportunity to work with you and serve the people of North Dakota. This litigation has had its ups and downs, but we always have had steady support from your office and Mark's. We're grateful for the partnership we have been able to forge. Best wishes and Merry Christmas, Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1.202.625.3616 robert.smith1@katten.com | katten.com ========== CONFIDENTIALITY NOTICE: This electronic mail message and any attached files contain information intended for use of the individual or entity to whom it is addressed and may contain information t proprietary, privileged, confidential and/or exempt from disclosure under applicable are not the intended recipient, you are hereby notified that any viewing, copying, di distribution of this information may be subject to legal restriction or sanction. Pl the sender, by electronic mail or telephone, of any unintended recipients and delete message without making any copies. ========== NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnershi elected to be governed by the Illinois Uniform Partnership Act (1997). ==========

Record 605

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: Non-Urgent Request Related to Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:20:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:20:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:20:41.000 PM

Body	Thoughts on this? Get Outlook for iOS **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Friday, December 24, 2021 10:20:01 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov> **Cc:** Rubin, Howard R. <howard.rubin@katten.com>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Subject:** Non-Urgent Request Related to Wehbi ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt and Jim, Let me preface this e-mail by saying that a response is not urgent. Mike Schwab of the North Dakota Pharmacists Association reached out to me about speaking at a convention that they are planning to hold in March. He'd like me to discuss *Rutledge* and *Wehbi*. Mike also mentioned that Wayne might participate. Because of my role on behalf of the State, I would not agree to participate without your approval and Mark's. And because of the pendency of the litigation, I would only speak factually about the case. I would not make any predictions about how *Wehbi* affects other statutes. Indeed, my approach, and Howard's, has always been to assume that our adversary is sitting in the room. As a result, we have been very careful about what we've said about *Rutledge* in the past. Mark and I spoke the other day, and he is comfortable with me giving a presentation along the lines I've just proposed. Howard and I wanted to make sure you agree before I accept any invitation from Mike. Howard and I are also happy to share in advance any PowerPoint presentation we prepare, so that you can vet it beforehand. Again, this is not urgent. When you have a few minutes, please let us know if you are comfortable with my participation at the conference. I will then get back to Mike. Finally, on behalf of Howard and myself, I wanted to express our appreciation for the opportunity to work with you and serve the people of North Dakota. This litigation has had its ups and downs, but we always have had steady support from your office and Mark's. We're grateful for the partnership we have been able to forge. Best wishes and Merry Christmas, Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1.202.625.3616 robert.smith1@katten.com | katten.com CONFIDENTIALITY NOTICE: This electronic mail message and any attached files contain information intended for use of the individual or entity to whom it is addressed and may contain information t proprietary, privileged, confidential and/or exempt from disclosure under applicable are not the intended recipient, you are hereby notified that any viewing, copying, di distribution of this information may be subject to legal restriction or sanction. Pl the sender, by electronic mail or telephone, of any unintended recipients and delete message without making any copies. NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnershi elected to be governed by the Illinois Uniform Partnership Act (1997).

Record 606

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:21:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:21:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:21:27.000 PM

Body

I am going to be out of pocket after 11am tomorrow...

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From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, December 26, 2021 3:53:19 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, December 26, 2021 5:47:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us <David.mcvey@state.sd.us>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST**. Please also let us know if you have any questions, concerns, or edits.

Sincerely,
Drew

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Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here.

For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well.

We will be able to accept sign-ons until **December 27 at 5pm Eastern.**

Sincerely,
Drew

Body	**From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 607

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:21:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 11:21:26.000 PM
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Body

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Sent: Sunday, December 26, 2021 3:53:19 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

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From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here.

For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well.

We will be able to accept sign-ons until **December 27 at 5pm Eastern.**

Sincerely,
Drew

Body	**From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 608

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Sargent County Water Resource District vs. Gregory S. Beck, et al. Case No. 41-2021-CV -00034 Constitutional Challenge to N.D.C.C. 61-16.1-54
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:38:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:38:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:38:07.000 AM

Body	I Ran this challenge by Jen. Her opinion is that we sit on the sidelines... I concur, at least for now. **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Thursday, December 23, 2021 7:53 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: Sargent County Water Resource District vs. Gregory S. Beck, et al. Case No. 41-2021-CV-00034 Constitutional Challenge to N.D.C.C. 61-16.1-54 **From:** Desirae Zaste <desirae@braatenlawfirm.com> **Sent:** Wednesday, December 22, 2021 6:57 PM **To:** -Info-Attorney General <ndag@nd.gov> **Cc:** Derrick Braaten <derrick@braatenlawfirm.com> **Subject:** Sargent County Water Resource District vs. Gregory S. Beck, et al. Case No. 41-2021-CV-00034 Constitutional Challenge to N.D.C.C. 61-16.1-54 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, Attached is a letter from Attorney Derrick Braaten. The documents referenced in the letter can be accessed using the link below. Please let me know if there are any issues opening the link. Thank you. Mathews Filings December 22, 2021 **Desirae zaste** | Certified Paralegal desirae@braatenlawfirm.com **Braaten Law Firm** 109 N. 4th Street, Suite 100 Bismarck, ND 58501 Phone: 701-221-2911 Fax: 701-221-5842 www.braatenlawfirm.com **PRIVILEGED COMMUNICATION** **This e-mail message is intended only for the named recipient(s) above and is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This e-mail is confidential and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. Recipients should not file copies of this e-mail with publicly accessible records. If you have received this message in error, please immediately notify the sender by return e-mail and delete this e-mail message from your computer. Thank you for your cooperation.**
Attachments	14969.pdf, image001[14967].jpg, image002[14968].png, 15954.eml

Record 609

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Sargent County Water Resource District vs. Gregory S. Beck, et al. Case No. 41-2021-CV -00034 Constitutional Challenge to N.D.C.C. 61-16.1-54
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:38:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:38:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:38:07.000 AM

Body	I Ran this challenge by Jen. Her opinion is that we sit on the sidelines... I concur, at least for now. **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Thursday, December 23, 2021 7:53 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: Sargent County Water Resource District vs. Gregory S. Beck, et al. Case No. 41-2021-CV-00034 Constitutional Challenge to N.D.C.C. 61-16.1-54 **From:** Desirae Zaste <desirae@braatenlawfirm.com> **Sent:** Wednesday, December 22, 2021 6:57 PM **To:** -Info-Attorney General <ndag@nd.gov> **Cc:** Derrick Braaten <derrick@braatenlawfirm.com> **Subject:** Sargent County Water Resource District vs. Gregory S. Beck, et al. Case No. 41-2021-CV-00034 Constitutional Challenge to N.D.C.C. 61-16.1-54 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, Attached is a letter from Attorney Derrick Braaten. The documents referenced in the letter can be accessed using the link below. Please let me know if there are any issues opening the link. Thank you. Mathews Filings December 22, 2021 **Desirae zaste** | Certified Paralegal desirae@braatenlawfirm.com **Braaten Law Firm** 109 N. 4th Street, Suite 100 Bismarck, ND 58501 Phone: 701-221-2911 Fax: 701-221-5842 www.braatenlawfirm.com **PRIVILEGED COMMUNICATION** **This e-mail message is intended only for the named recipient(s) above and is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This e-mail is confidential and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. Recipients should not file copies of this e-mail with publicly accessible records. If you have received this message in error, please immediately notify the sender by return e-mail and delete this e-mail message from your computer. Thank you for your cooperation.**
Attachments	12592.pdf, image001[11528].jpg, image002[11529].png, 12593.eml

Record 610

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:41:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:41:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:41:30.000 AM

Body	FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: **614-752-8237** Cincinnati: **513-852-1565** Office Cell: **513-607-0406** Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
CC	pgrossman@nd.gov
Attachments	image003[14971].png

Record 611

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:41:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:41:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:41:30.000 AM

Body	FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: **614-752-8237** Cincinnati: **513-852-1565** Office Cell: **513-607-0406** Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
CC	pgrossman@nd.gov
Attachments	image003[11532].png

Record 612

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Privileged
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:50:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:50:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:50:27.000 AM

Body	I think we better sit down and discuss this proposed legislation when we return. James and I have tried, and are still trying, to make it workable… **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, December 17, 2021 12:51 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: TLCA revisions with comment See attached. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 1:15 PM **To:** Wald, James J. <jawald@nd.gov> **Subject:** TLCA revisions with comment Additional comments/edits…
Attachments	14972.docx

Record 613

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Privileged
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:50:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:50:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 10:50:27.000 AM
Body	I think we better sit down and discuss this proposed legislation when we return. James and I have tried, and are still trying, to make it workable… **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, December 17, 2021 12:51 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: TLCA revisions with comment See attached. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 1:15 PM **To:** Wald, James J. <jawald@nd.gov> **Subject:** TLCA revisions with comment Additional comments/edits…
Attachments	12591.docx

Record 614

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 4:01:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 4:01:10.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 4:01:12.000 PM

Body

FYI

From: Daley, Michael F. <mfdaley@nd.gov>
Sent: Monday, December 27, 2021 12:11 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Cc: Tyler, Karen J. <ktyler@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Thanks for the opportunity to weigh in, Matt. We were generally not familiar with this particular NASDAQ rule-making, apparently approved by the SEC this past summer, for improved racial and gender diversity on the corporate boards of listed companies. It does not appear to be an issue that has generated discussion among state securities regulators which is understandable, given the limited regulation we would have over stocks traded on the Exchanges.

We wouldn't take a position on whether the Commission exceeded its authority in this case.

Stay warm,
Mike

Michael F. Daley
Enforcement Attorney
North Dakota Securities Department

701.328.4701 • mfdaley@nd.gov • securities.nd.gov

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Monday, December 27, 2021 9:54 AM
To: Daley, Michael F. <mfdaley@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Mike,
I don't know if you are in the office this week, but I was just checking to see if you are familiar with this issue? And, whether your client has an opinion on the issue. Sorry for the short turn-around on brief.
Matt

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, December 26, 2021 4:48 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <Murrille@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; Kaste, James <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

Body

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

Sincerely,

Drew

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Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is a slightly updated version of the Fifth Circuit amicus brief for the Nasdaq/SEC Quota Rule challenge. So far Alaska, Arkansas, and Montana have joined.

Basically, the brief makes two points that are probably pretty uncontroversial for this group: (1) explicit race- and sex-based quotas are bad and violate the Constitution and (2) SEC cannot use a highly generalized and circumscribed grant of authority to intrude upon an area traditionally regulated by state law and in service of an agenda of restructuring society in the agency's own social-justice-minded image (while violating the Constitution in the process).

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Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us

Body	know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here. For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholypak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021). https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.
Attachments	image001[14981].jpg

Record 615

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 4:01:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 4:01:10.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 4:01:12.000 PM

Body

FYI

From: Daley, Michael F. <mfdaley@nd.gov>
Sent: Monday, December 27, 2021 12:11 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Cc: Tyler, Karen J. <ktyler@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Thanks for the opportunity to weigh in, Matt. We were generally not familiar with this particular NASDAQ rule-making, apparently approved by the SEC this past summer, for improved racial and gender diversity on the corporate boards of listed companies. It does not appear to be an issue that has generated discussion among state securities regulators which is understandable, given the limited regulation we would have over stocks traded on the Exchanges.

We wouldn't take a position on whether the Commission exceeded its authority in this case.

Stay warm,
Mike

Michael F. Daley
Enforcement Attorney
North Dakota Securities Department

701.328.4701 • mfdaley@nd.gov • securities.nd.gov

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Monday, December 27, 2021 9:54 AM
To: Daley, Michael F. <mfdaley@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Mike,
I don't know if you are in the office this week, but I was just checking to see if you are familiar with this issue? And, whether your client has an opinion on the issue. Sorry for the short turn-around on brief.
Matt

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, December 26, 2021 4:48 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <Murrille@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; Kaste, James <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
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From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us

Body	know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here. For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021). https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.
Attachments	image001[11542].jpg

Record 616

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Automatic reply: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:05.000 AM
Body	I will be out of the office during the week of December 27. Please call 328-3640 if you need immediate assistance.

Record 617

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Automatic reply: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:05.000 AM
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:05.000 AM
Body	I will be out of the office during the week of December 27. Please call 328-3640 if you need immediate assistance.

Record 618

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, pgrossman@nd.gov
Subject	RE: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:30:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:30:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:30:09.000 AM

Body

Ok.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 28, 2021 9:40 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

I am fine with it. Please let them know

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Tuesday, December 28, 2021 9:31:41 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

Wayne, I have no objection to joining this Amicus. I just want to be sure you are comfortable with it. In that instance, I am completely comfortable with recommending North Dakota join. Just let us know. Thanks.

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From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Monday, December 27, 2021 12:04:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov>
Subject: Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

Any change of opinion on this Parrell?
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Monday, December 27, 2021 11:41:29 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

FYI

From: Dan Schweitzer <dschweitzer@naag.org>
Sent: Monday, December 27, 2021 10:40 AM
To: Dan Schweitzer <dschweitzer@naag.org>
Cc: Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov
Subject: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

To: Civil Amicus Contacts
From: Ohio AGO

We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend.

After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from:

Body	1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: **614-752-8237** Cincinnati: **513-852-1565** Office Cell: **513-607-0406** Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
Attachments	image001[14984].png

Record 619

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, pgrossman@nd.gov
Subject	RE: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:30:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:30:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:30:09.000 AM

Body

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Sent from my Verizon, Samsung Galaxy smartphone
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Attachments	image001[11549].png

Record 620

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:36:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:36:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:36:38.000 AM

Body	Attached is a new amicus request regarding sales tax issues. Deadline is late January. I will see if Tax has any interest here. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Tuesday, December 28, 2021 10:14 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; norah.rast@dc.gov **Subject:** Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: District of Columbia SG Office The District of Columbia is preparing an amicus brief supporting respondent-appellant North Carolina in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21, in the North Carolina Supreme Court. The relevant question presented is whether the dormant Commerce Clause bars states from asserting and collecting sales taxes on transactions originating from out-of-state and delivered to in-state consumers. We expect the North Carolina AG to argue that *Dilworth* formalism—which allows use taxes, but not sales taxes on such transactions—is no longer good law. States have a critical interest in protecting their sovereign authority to fairly tax interstate commerce and to preserve the gains they received from the Supreme Court's decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2018). The District's brief will therefore make two related arguments: *First*, the brief will argue that reaffirming Dilworth formalism would be inconsistent with the Supreme Court's decision in *Wayfair* and would reintroduce many of the policy concerns that animated the Court's abrogation of the physical-presence rule. *Second*, the brief will highlight the particular concerns raised by the lower court's decision in states with destination-based sourcing schemes. The District and at least 39 states have tax-sourcing statutes that identify the location of the "sale" as the place where the goods are delivered. Allowing courts to override such statutes and conclude that there is no transactional nexus absent physical purchase within the taxing state would undermine states' sovereign taxing authority and contradict the fundamental principle that "the modes adopted [by the States] to enforce the taxes levied should be interfered with as little as possible." *Dows v. City of Chicago*, 78 U.S. 108, 110 (1871). As we craft and refine the brief, **it would be helpful to know the following by January 7** (if you happen to have responsive information): 1. Does your state have a destination-based sourcing scheme? If so, a citation to the specific provision of the state tax code would be ideal. 2. In the wake of *Wayfair*: 1. Is your state assessing and collecting sales taxes on out-of-state companies that deliver goods to in-state consumers? 2. Has your state faced *Dilworth*-based challenges such as the one at issue here? Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with your responses. We will circulate a draft brief on or around **January 14**, in advance of the **January 21 join deadline**. Many thanks in advance for your help. With appreciation, Caroline S. Van Zile Principal Deputy Solicitor General Office of the Attorney General for the District of Columbia 400 6th Street, NW, Suite 8100 Washington, D.C. 20001 (917) 971-0361 (cell) (202) 724-6609 (phone) (202) 741-0649 (fax) caroline.vanzile@dc.gov
CC	jthiel@nd.gov
Attachments	15950.pdf

Record 621

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:36:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:36:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:36:38.000 AM

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CC	jthiel@nd.gov
Attachments	12586.pdf

Record 622

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:37:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:37:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:37:57.000 AM

Body	Actually we have not received a brief yet…just memo. I am still checking with Tax.
	
	From: Dan Schweitzer <dschweitzer@naag.org>
	Sent: Tuesday, December 28, 2021 10:14 AM
	To: Dan Schweitzer <dschweitzer@naag.org>
	Cc: VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; norah.rast@dc.gov
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	To: Civil Amicus Contacts
	From: District of Columbia SG Office
	
	The District of Columbia is preparing an amicus brief supporting respondent-appellant North Carolina in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21, in the North Carolina Supreme Court. The relevant question presented is whether the dormant Commerce Clause bars states from asserting and collecting sales taxes on transactions originating from out-of-state and delivered to in-state consumers. We expect the North Carolina AG to argue that *Dilworth* formalism—which allows use taxes, but not sales taxes on such transactions—is no longer good law.
	
	States have a critical interest in protecting their sovereign authority to fairly tax interstate commerce and to preserve the gains they received from the Supreme Court's decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2018). The District's brief will therefore make two related arguments: *First,* the brief will argue that reaffirming Dilworth formalism would be inconsistent with the Supreme Court's decision in *Wayfair* and would reintroduce many of the policy concerns that animated the Court's abrogation of the physical-presence rule. *Second,* the brief will highlight the particular concerns raised by the lower court's decision in states with destination-based sourcing schemes. The District and at least 39 states have tax-sourcing statutes that identify the location of the "sale" as the place where the goods are delivered. Allowing courts to override such statutes and conclude that there is no transactional nexus absent physical purchase within the taxing state would undermine states' sovereign taxing authority and contradict the fundamental principle that "the modes adopted [by the States] to enforce the taxes levied should be interfered with as little as possible." *Dows v. City of Chicago*, 78 U.S. 108, 110 (1871).
	
	As we craft and refine the brief, **it would be helpful to know the following by January 7** (if you happen to have responsive information):
	
	1. Does your state have a destination-based sourcing scheme? If so, a citation to the specific provision of the state tax code would be ideal.
	2. In the wake of *Wayfair*:
	  1. Is your state assessing and collecting sales taxes on out-of-state companies that deliver goods to in-state consumers?
	  2. Has your state faced *Dilworth*-based challenges such as the one at issue here?
	
	Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with your responses. We will circulate a draft brief on or around **January 14**, in advance of the **January 21 join deadline**. Many thanks in advance for your help.
	
	With appreciation,
	
	Caroline S. Van Zile
	Principal Deputy Solicitor General
	Office of the Attorney General for the District of Columbia
	400 6th Street, NW, Suite 8100
	Washington, D.C. 20001
	(917) 971-0361 (cell)
	(202) 724-6609 (phone)
	(202) 741-0649 (fax)
	caroline.vanzile@dc.gov

Record 623

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:37:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:37:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:37:57.000 AM

Body	Actually we have not received a brief yet…just memo. I am still checking with Tax. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Tuesday, December 28, 2021 10:14 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; norah.rast@dc.gov **Subject:** Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: District of Columbia SG Office The District of Columbia is preparing an amicus brief supporting respondent-appellant North Carolina in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21, in the North Carolina Supreme Court. The relevant question presented is whether the dormant Commerce Clause bars states from asserting and collecting sales taxes on transactions originating from out-of-state and delivered to in-state consumers. We expect the North Carolina AG to argue that *Dilworth* formalism—which allows use taxes, but not sales taxes on such transactions—is no longer good law. States have a critical interest in protecting their sovereign authority to fairly tax interstate commerce and to preserve the gains they received from the Supreme Court's decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2018). The District's brief will therefore make two related arguments: *First,* the brief will argue that reaffirming Dilworth formalism would be inconsistent with the Supreme Court's decision in *Wayfair* and would reintroduce many of the policy concerns that animated the Court's abrogation of the physical-presence rule. *Second,* the brief will highlight the particular concerns raised by the lower court's decision in states with destination-based sourcing schemes. The District and at least 39 states have tax-sourcing statutes that identify the location of the "sale" as the place where the goods are delivered. Allowing courts to override such statutes and conclude that there is no transactional nexus absent physical purchase within the taxing state would undermine states' sovereign taxing authority and contradict the fundamental principle that "the modes adopted [by the States] to enforce the taxes levied should be interfered with as little as possible." *Dows v. City of Chicago*, 78 U.S. 108, 110 (1871). As we craft and refine the brief, **it would be helpful to know the following by January 7** (if you happen to have responsive information): 1. Does your state have a destination-based sourcing scheme? If so, a citation to the specific provision of the state tax code would be ideal. 2. In the wake of *Wayfair*: 1. Is your state assessing and collecting sales taxes on out-of-state companies that deliver goods to in-state consumers? 2. Has your state faced *Dilworth*-based challenges such as the one at issue here? Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with your responses. We will circulate a draft brief on or around **January 14**, in advance of the **January 21 join deadline**. Many thanks in advance for your help. With appreciation, Caroline S. Van Zile Principal Deputy Solicitor General Office of the Attorney General for the District of Columbia 400 6th Street, NW, Suite 8100 Washington, D.C. 20001 (917) 971-0361 (cell) (202) 724-6609 (phone) (202) 741-0649 (fax) caroline.vanzile@dc.gov

Record 624

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:40:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:40:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:40:27.000 AM

Body	I also received that. I don't think we are a State Plan state are we? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 10:40 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Fwd: OSHA ETS - State Plan States Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Wednesday, December 29, 2021 11:34:25 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; brandon.smith@ag.tn.gov <brandon.smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; 'Ross Bergethon' <RBergethon@law.ga.gov>; beau.roysden@azag.gov <beau.roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov' <'Whitney.Lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** OSHA ETS - State Plan States ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 I Direct: (515) 281-8583 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[14989].png

Record 625

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:40:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:40:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:40:27.000 AM

Body	I also received that. I don't think we are a State Plan state are we? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 10:40 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Fwd: OSHA ETS - State Plan States Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Wednesday, December 29, 2021 11:34:25 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; brandon.smith@ag.tn.gov <brandon.smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; 'Ross Bergethon' <RBergethon@law.ga.gov>; beau.roysden@azag.gov <beau.roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov' <'Whitney.Lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** OSHA ETS - State Plan States ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 I Direct: (515) 281-8583 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[11554].png

Record 626

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Health and Hospital Corp. of Marion County v. Talevski (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:41:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:41:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:41:39.000 AM

Body	Attached is a new amicus brief regarding section 1983 cases. Deadline is Jan. 3. I will see what Tag thinks. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Tuesday, December 28, 2021 8:15 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Holmes, Melinda R <Melinda.Holmes@atg.in.gov> **Subject:** Amicus Brief in Health and Hospital Corp. of Marion County v. Talevski (U.S.) -- cert-stage ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Indiana AGO Attached is the current draft of our cert-stage amicus brief in *Health and Hospital Corp. of Marion County v. Talevski*, No. 21-806 (U.S.), which argues that the Supreme Court should reexamine its doctrine concluding that Section 1983 may be used to privately enforce Spending Clause legislation. **The deadline for joining the brief is 8:00am EST on Monday, January 3, 2022.** We also ask for information about your State's Section 1983 litigation burden. We welcome any information, but especially the number of Section 1983 cases litigated in the last 1-3 years and the dollar amount paid for civil judgments and settlements in such actions. Please contact me to join the brief, and feel free to reach out with any questions. **Melinda Holmes** Deputy Attorney General – Solicitor General Division Office of Attorney General Todd Rokita p: 317.232.6357 | f: 317.232.7979 melinda.holmes@atg.in.gov
CC	jthiel@nd.gov
Attachments	15949.docx

Record 627

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Health and Hospital Corp. of Marion County v. Talevski (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:41:39.000 AM
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CC	jthiel@nd.gov
Attachments	12585.docx

Record 628

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: CMS Mandate Comment Letter: Sign-on Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:09:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:09:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:09:31.000 PM

Body	FYI, see below, and deadline. **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Tuesday, January 4, 2022 12:18 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: CMS Mandate Comment Letter: Sign-on Invitation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matthew, Please see below. Trying to make sure I have a live contact for North Dakota. Best, CT **From:** Thacker, Christopher L (KYOAG) **Sent:** Tuesday, January 4, 2022 12:22 PM **To:** Schelhaas <ryan.schelhaas@wyo.gov>; James Kaste <james.kaste@wyo.gov>; Troy Seibel <tseibel@nd.gov> **Cc:** Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov> **Subject:** FW: CMS Mandate Comment Letter: Sign-on Invitation All, Just wanted to send on final email to make sure this doesn't get missed inadvertently. 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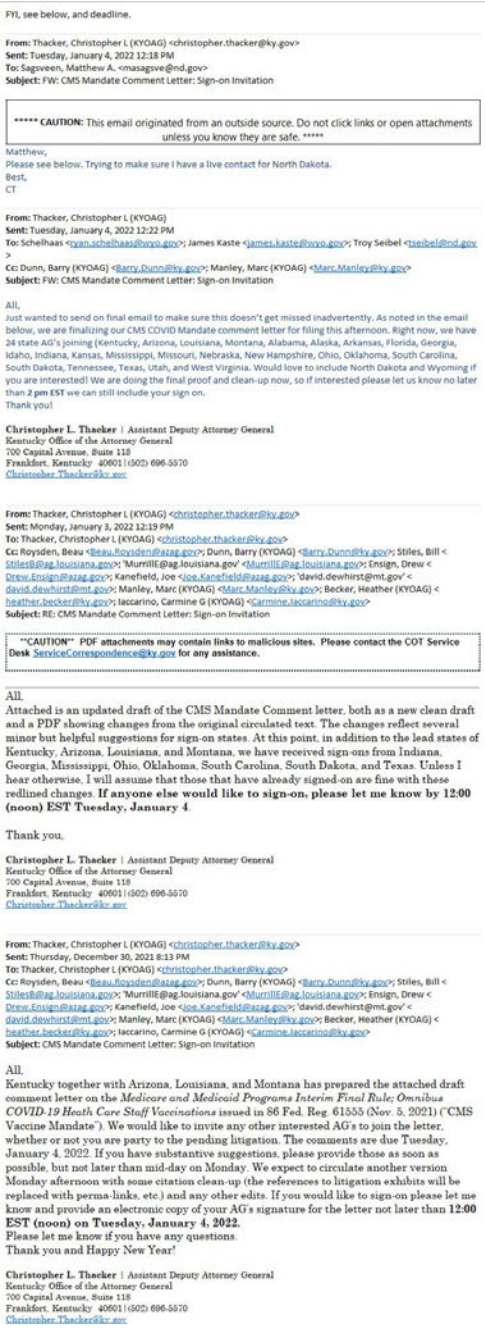
CC	lbrocker@nd.gov
Attachments	15936.docx

Record 629

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: CMS Mandate Comment Letter: Sign-on Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:09:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:09:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:09:31.000 PM

Body	
CC	lbrocker@nd.gov
Attachments	12572.docx

Record 630

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: CMS Mandate Comment Letter: Sign-on Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:30:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:30:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:30:07.000 PM

Body

It is confirmed.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, January 4, 2022 1:23 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: CMS Mandate Comment Letter: Sign-on Invitation

I asked Liz to let them know ND will sign on.
Can you confirm?
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, January 4, 2022 1:10 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Brocker, Liz <lbrocker@nd.gov>
Subject: FW: CMS Mandate Comment Letter: Sign-on Invitation

FYI, see below, and deadline.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
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To: Sagsveen, Matthew A. <masagsve@nd.gov>
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Please see below. Trying to make sure I have a live contact for North Dakota.
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Sent: Tuesday, January 4, 2022 12:22 PM
To: Schelhaas <ryan.schelhaas@wyo.gov>; James Kaste <james.kaste@wyo.gov>; Troy Seibel <tseibel@nd.gov>
Cc: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>
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Thank you!

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Christopher.Thacker@ky.gov

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Sent: Monday, January 3, 2022 12:19 PM
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Cc: Roysden, Beau <Beau.Roysden@azag.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Stiles, Bill <

Body	StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** RE: CMS Mandate Comment Letter: Sign-on Invitation ****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.** All, Attached is an updated draft of the CMS Mandate Comment letter, both as a new clean draft and a PDF showing changes from the original circulated text. The changes reflect several minor but helpful suggestions for sign-on states. At this point, in addition to the lead states of Kentucky, Arizona, Louisiana, and Montana, we have received sign-ons from Indiana, Georgia, Mississippi, Ohio, Oklahoma, South Carolina, South Dakota, and Texas. Unless I hear otherwise, I will assume that those that have already signed-on are fine with these redlined changes. **If anyone else would like to sign-on, please let me know by 12:00 (noon) EST Tuesday, January 4**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 30, 2021 8:13 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** CMS Mandate Comment Letter: Sign-on Invitation All, Kentucky together with Arizona, Louisiana, and Montana has prepared the attached draft comment letter on the *Medicare and Medicaid Programs Interim Final Rule; Omnibus COVID-19 Heath Care Staff Vaccinations* issued in 86 Fed. Reg. 61555 (Nov. 5, 2021) ("CMS Vaccine Mandate"). We would like to invite any other interested AG's to join the letter, whether or not you are party to the pending litigation. The comments are due Tuesday, January 4, 2022. If you have substantive suggestions, please provide those as soon as possible, but not later than mid-day on Monday. We expect to circulate another version Monday afternoon with some citation clean-up (the references to litigation exhibits will be replaced with perma-links, etc.) and any other edits. If you would like to sign-on please let me know and provide an electronic copy of your AG's signature for the letter not later than **12:00 EST (noon) on Tuesday, January 4, 2022.** Please let me know if you have any questions. Thank you and Happy New Year! **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov

Record 631

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: CMS Mandate Comment Letter: Sign-on Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:30:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:30:06.000 PM
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Sent: Tuesday, January 4, 2022 1:10 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
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Kentucky Office of the Attorney General
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Christopher.Thacker@ky.gov

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Body	StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** RE: CMS Mandate Comment Letter: Sign-on Invitation ****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.** All, Attached is an updated draft of the CMS Mandate Comment letter, both as a new clean draft and a PDF showing changes from the original circulated text. The changes reflect several minor but helpful suggestions for sign-on states. At this point, in addition to the lead states of Kentucky, Arizona, Louisiana, and Montana, we have received sign-ons from Indiana, Georgia, Mississippi, Ohio, Oklahoma, South Carolina, South Dakota, and Texas. Unless I hear otherwise, I will assume that those that have already signed-on are fine with these redlined changes. **If anyone else would like to sign-on, please let me know by 12:00 (noon) EST Tuesday, January 4**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 30, 2021 8:13 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** CMS Mandate Comment Letter: Sign-on Invitation All, Kentucky together with Arizona, Louisiana, and Montana has prepared the attached draft comment letter on the *Medicare and Medicaid Programs Interim Final Rule; Omnibus COVID-19 Heath Care Staff Vaccinations* issued in 86 Fed. Reg. 61555 (Nov. 5, 2021) ("CMS Vaccine Mandate"). We would like to invite any other interested AG's to join the letter, whether or not you are party to the pending litigation. The comments are due Tuesday, January 4, 2022. If you have substantive suggestions, please provide those as soon as possible, but not later than mid-day on Monday. We expect to circulate another version Monday afternoon with some citation clean-up (the references to litigation exhibits will be replaced with perma-links, etc.) and any other edits. If you would like to sign-on please let me know and provide an electronic copy of your AG's signature for the letter not later than **12:00 EST (noon) on Tuesday, January 4, 2022.** Please let me know if you have any questions. Thank you and Happy New Year! **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov

Record 632

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	FW: Law360 story on DAPL protests cases
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:49:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:49:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:49:09.000 PM

Body	FYI **From:** Andrew Westney <andrew.westney@law360.com> **Sent:** Tuesday, January 4, 2022 1:48 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; sebyp@gtlaw.com **Subject:** Law360 story on DAPL protests cases ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** I'm a senior reporter with Law360, working on a story about the Dec. 29 decision granting summary judgment to the defendants in Dundon v. Kirchmeier in North Dakota federal court, and the state's filing today in case no. 1:19-cv-00150 saying the Dundon ruling is pertinent to the federal government's illegality/excessive force arguments. Please let me know if you or another representative for the state would be able to comment further on the Dundon decision or discuss further the applicability of the ruling to the state's case. I'm on deadline with the story for about 5pm ET, though we can also add comment online if received after the story posts. I can be reached at 404-483-4648 or by return email, thank you. Best regards, Andrew Westney Senior Reporter, Native American law LAW360 A LexisNexis® Company Legal News & Data 111 West 19th Street 5th Floor New York, NY 10011 (646) 350-1357

Record 633

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	FW: Law360 story on DAPL protests cases
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:49:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:49:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:49:09.000 PM
Body	FYI **From:** Andrew Westney <andrew.westney@law360.com> **Sent:** Tuesday, January 4, 2022 1:48 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; sebyp@gtlaw.com **Subject:** Law360 story on DAPL protests cases ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** I'm a senior reporter with Law360, working on a story about the Dec. 29 decision granting summary judgment to the defendants in Dundon v. Kirchmeier in North Dakota federal court, and the state's filing today in case no. 1:19-cv-00150 saying the Dundon ruling is pertinent to the federal government's illegality/excessive force arguments. Please let me know if you or another representative for the state would be able to comment further on the Dundon decision or discuss further the applicability of the ruling to the state's case. I'm on deadline with the story for about 5pm ET, though we can also add comment online if received after the story posts. I can be reached at 404-483-4648 or by return email, thank you. Best regards, Andrew Westney Senior Reporter, Native American law LAW360 A LexisNexis® Company Legal News & Data 111 West 19th Street 5th Floor New York, NY 10011 (646) 350-1357

Record 634

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:08.000 PM
Body	The argument will be streamed live at the Supreme Court's website (and on CSPAN) at 10 AM

Record 635

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:06.000 PM
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Record 636

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 2:40:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 2:40:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 2:40:03.000 PM
Body	Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt
CC	mkelsch@nd.gov

Record 637

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 2:40:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 2:40:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 2:40:03.000 PM

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CC	mkelsch@nd.gov

Record 638

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	mkelsch@nd.gov, wstenehjem@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:51:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:51:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:51:04.000 PM
Body	That the info is confidential financial information. I don't have a citation. **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:50 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department No – what is Commerce saying as their legal reason? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 3:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Are you asking why we need the records? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:39 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department And why is defendant DOH serving subpoenas to Commerce? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt

Record 639

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	mkelsch@nd.gov, wstenehjem@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:51:04.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:51:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:51:04.000 PM
Body	That the info is confidential financial information. I don't have a citation. **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:50 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department No – what is Commerce saying as their legal reason? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 3:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Are you asking why we need the records? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:39 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department And why is defendant DOH serving subpoenas to Commerce? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt

Record 640

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Privileged/RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:18:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:18:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:18:33.000 PM

Body	I can provide more details tomorrow, but we may use them in a deposition, a dispositive motion, or at trial, to rebut and contradict discovery responses made by Keystone. Long story short, the Department terminated its contract with Keystone Testing, in part because Keystone never provided insurance coverage for errors and omissions. This was a requirement of the contract. Keystone claims in its discovery responses that it was "self-insured", and such self-insurance was adequate for purposes of the contract. We disagree of course, and have solid legal support for our position. Keystone answered in its discovery responses, in relation to its position that it was self-insured, that it could sell/liquidate its equipment in North Dakota to pay for any claim for errors and omissions. One record disclosed by Keystone shows that Commerce made a $300,000 loan to Keystone for equipment to be used in North Dakota. We have verified the existence of this loan with Commerce. The document also indicates that Commerce had a first lien on the equipment purchased with Commerce funds. Based upon these documents, it is my opinion that Keystone's answers regarding the use of the equipment for self-insurance are not accurate. We would like to see the entire file to make sure we have an accurate picture of the loan, the requirements of the loan, and payments. We, or Jane, can provide more details if you want… **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Right **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 3:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Are you asking why we need the records? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:39 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department And why is defendant DOH serving subpoenas to Commerce? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt
CC	jsportiello@nd.gov, ahicks@nd.gov

Record 641

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Privileged/RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:18:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:18:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:18:33.000 PM

Body	I can provide more details tomorrow, but we may use them in a deposition, a dispositive motion, or at trial, to rebut and contradict discovery responses made by Keystone. Long story short, the Department terminated its contract with Keystone Testing, in part because Keystone never provided insurance coverage for errors and omissions. This was a requirement of the contract. Keystone claims in its discovery responses that it was "self-insured", and such self-insurance was adequate for purposes of the contract. We disagree of course, and have solid legal support for our position. Keystone answered in its discovery responses, in relation to its position that it was self-insured, that it could sell/liquidate its equipment in North Dakota to pay for any claim for errors and omissions. One record disclosed by Keystone shows that Commerce made a $300,000 loan to Keystone for equipment to be used in North Dakota. We have verified the existence of this loan with Commerce. The document also indicates that Commerce had a first lien on the equipment purchased with Commerce funds. Based upon these documents, it is my opinion that Keystone's answers regarding the use of the equipment for self-insurance are not accurate. We would like to see the entire file to make sure we have an accurate picture of the loan, the requirements of the loan, and payments. We, or Jane, can provide more details if you want… **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Right **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 3:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Are you asking why we need the records? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:39 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department And why is defendant DOH serving subpoenas to Commerce? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt
CC	jsportiello@nd.gov, ahicks@nd.gov

Record 642

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:19:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:19:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:19:26.000 PM

Body

FYI, 6th Circuit decision in Kentucky case...

From: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>
Sent: Wednesday, January 5, 2022 4:15 PM
To: Rogers, James <James.Rogers@azag.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

A few minutes ago, the Sixth Circuit issued the attached opinion denying the federal government's motion to stay the injunction obtained by Kentucky, Ohio and Tennessee in our federal contractor case. The opinion is attached.

Barry L. Dunn
Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601
502.696.5300
Follow the Attorney General's Office @ KYOAG

From: Dunn, Barry (KYOAG)
Sent: Thursday, December 16, 2021 12:12 PM
To: Rogers, James <James.Rogers@azag.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

The district court in Kentucky denied the government's motion to stay the federal contractor PI entered for Kentucky, Ohio, and Tennessee. The order is attached. DOJ then moved the Sixth Circuit to stay the preliminary injunction (also attached). Our response is due today, and DOJ must file a reply by Monday, December 20.

Body

Barry L. Dunn
Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601
502.696.5300
Follow the Attorney General's Office @ KYOAG

From: Rogers, James <James.Rogers@azag.gov>
Sent: Thursday, December 16, 2021 11:28 AM
To: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

"CAUTION" PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.

Hi everyone—

DOJ moved to stay in our case in Arizona as well. The judge denied the motion. Attached is our response brief, in case it might be of use to any of you. Also attached is the minute entry denying the motion, in case you want to file as a Notice of Supplemental Authority to show an example of a stay being denied in a contractor mandate case.

Regards,
James

James K. Rogers
Senior Litigation Counsel
Civil Appeals and Federalism Section
Office of the Attorney General
Solicitor General's Office
2005 N. Central Ave., Phoenix, AZ 85004
Direct: 602-542-8540 | Fax: 602-542-8308
James.Rogers@azag.gov

From: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>
Sent: Tuesday, December 7, 2021 6:59 PM
To: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us'

Body

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Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

Congratulations, Drew and team. DOJ filed a motion for stay pending appeal after we received a PI. I've attached the filing. Our response is due tomorrow, and DOJ has the opportunity to reply on Friday.

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To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'justin.smith@ago.mo.gov' <justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General

Office of the Attorney General Chris Carr

Solicitor General Unit

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Georgia Department of Law
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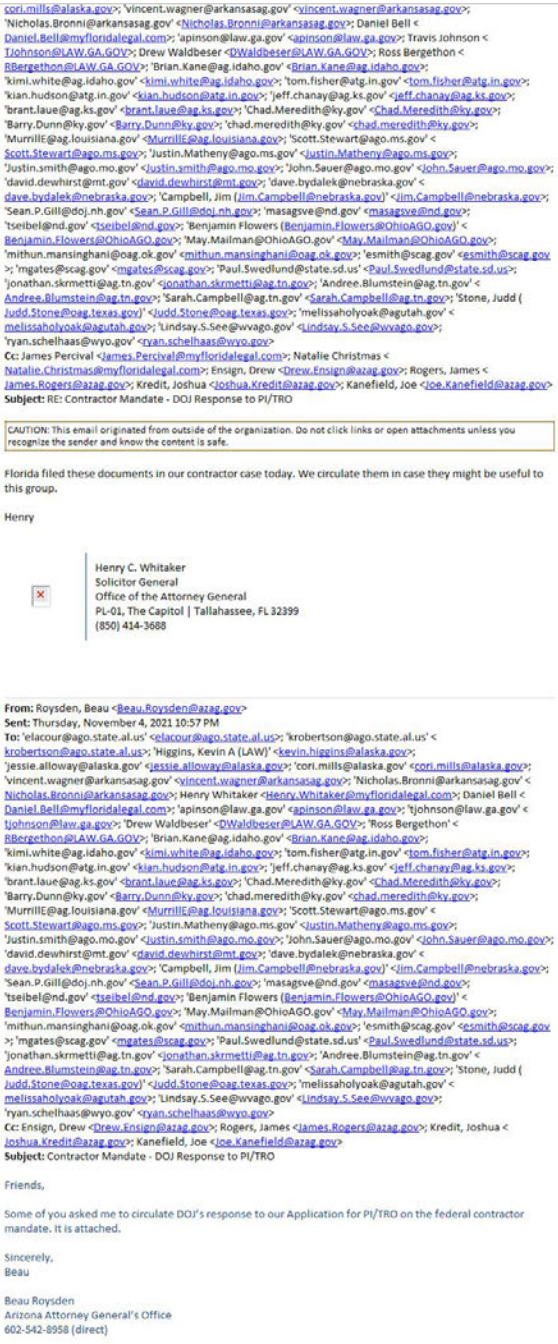
From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <

Body	
Attachments	15931.pdf, image002[15119].png, image003[15120].png, image008[15121].jpg, image009[15122].jpg, image010[15123].png, image011[15124].png, image012[15125].png

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Subject	FW: Contractor Mandate - DOJ Response to PI/TRO
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:19:26.000 PM

Body

FYI, 6th Circuit decision in Kentucky case...

From: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>
Sent: Wednesday, January 5, 2022 4:15 PM
To: Rogers, James <James.Rogers@azag.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

A few minutes ago, the Sixth Circuit issued the attached opinion denying the federal government's motion to stay the injunction obtained by Kentucky, Ohio and Tennessee in our federal contractor case. The opinion is attached.

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From: Dunn, Barry (KYOAG)
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To: Rogers, James <James.Rogers@azag.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
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Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

The district court in Kentucky denied the government's motion to stay the federal contractor PI entered for Kentucky, Ohio, and Tennessee. The order is attached. DOJ then moved the Sixth Circuit to stay the preliminary injunction (also attached). Our response is due today, and DOJ must file a reply by Monday, December 20.

Body

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Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Hi everyone—

DOJ moved to stay in our case in Arizona as well. The judge denied the motion. Attached is our response brief, in case it might be of use to any of you. Also attached is the minute entry denying the motion, in case you want to file as a Notice of Supplemental Authority to show an example of a stay being denied in a contractor mandate case.

Regards,
James

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Senior Litigation Counsel
Civil Appeals and Federalism Section
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Solicitor General's Office
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From: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>
Sent: Tuesday, December 7, 2021 6:59 PM
To: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us'

Body

<Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

Congratulations, Drew and team. DOJ filed a motion for stay pending appeal after we received a PI. I've attached the filing. Our response is due tomorrow, and DOJ has the opportunity to reply on Friday.

Barry L. Dunn
Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601
502.696.5300
Follow the Attorney General's Office @ KYOAG

From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:46 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'justin.smith@ago.mo.gov' <justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General

Office of the Attorney General Chris Carr

Solicitor General Unit

(404) 458-3378
DWaldbeser@LAW.GA.GOV

Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <

Body	cori.mills@alaska.gov>; 'Vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson < TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon < RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas < Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James < James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' < krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' < Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' < tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' < RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua < Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	12567.pdf, image002[11717].png, image003[11718].png, image008[11719].jpg, image009[11720].jpg, image010[11721].png, image011[11722].png, image012[11723].png

Record 644

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Land Transfers
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:14:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:14:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:15:00.000 PM

Body

Can we discuss this issue? I am in a deposition from 9 to ? tomorrow.

From: Wald, James J. <jawald@nd.gov>
Sent: Thursday, January 6, 2022 3:47 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

Following up to get your thoughts on the below as well as the proposed revisions to S.3200 sent in e-mail dated 12/29/2021. Happy to discuss in a call if convenient.

Also, be advised that the McKenzie County Grazing Association has sent the attached letter to Representative Armstrong requesting that the Little Missouri National Grasslands be completely removed from the current bill. Paragraph 3 calls out the section line rights-of-way issue.

Thank You,

James

From: Wald, James J.
Sent: Tuesday, January 4, 2022 5:29 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

I don't believe we have specifically discussed sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3, but I don't see any glaring issues aside from those we have already discussed. Here is my take, please let me know if you disagree with anything - I would be happy to discuss further.

- Article IX, § 6 of the constitution requires further legislative authority to exchange state- owned original grant lands with federal lands (see highlighted language below).
- This legislative authority appears in N.D.C.C. §§ 15-06-19.1, 54-01-12, and 54-01-13:
  - § 15- 06- 19.1 grants the Board legislative authority to exchange "[o]riginal grant school or institutional lands and any other lands controlled by the board of university and school lands" with federal lands "of like character and value". I interpret this grant of authority to be quite broad and apply to *all* lands under the control of the Board (whether granted in the Enabling act or otherwise acquired thereafter, and wherever located).
  - § 54- 01- 12 grants legislative authority to exchange state- owned non- grant lands located on Indian reservations within the state with federal lands also located on Indian reservations within the state. The language does not indicate that the lands exchanged must be located the same reservation.
  - § 54- 01- 13 grants legislative authority to exchange state- owned non- grant lands located within the borders of Fort Berthold reservation with federal lands located *outside* of Fort Berthold reservation.
- S.3200 specifically proposes an exchange of state- owned land located within the Little Missouri National Grassland and within the reservations.
- N.D.C.C. §§ 54- 01- 13.1, 13.2, and 13.3 all appear to apply only to exchanges of land within Theodore Roosevelt National Park. It is my understanding that most (if not all) state- owned land within the Park has already been exchanged.

N.D. Const. art. IX, § 6.
Any of said lands that may be required for townsite purposes, schoolhouse sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, airplane landing fields, fairgrounds, public highways, railroad right of way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the constitution and laws of this state, may be sold under the provisions of this article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any of said lands and any other lands controlled by the board of university and school lands, including state coal mineral interests, may, with the approval of said board, be exchanged for lands and coal mineral interests of the United States, the state of North Dakota or any county or municipality thereof as the legislature may provide, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject, and the state shall reserve all mineral and water power rights in land so transferred, except coal mineral interests approved for exchange by the board of university and school lands under this section.

15-06-19.1. Exchange of lands with the United States

Body	15-00-15.1. Exchange of lands with the United States. Original grant school or institutional lands and any other lands controlled by the board of university and school lands may be exchanged for lands of like character and value belonging to the United States government when it appears that such exchange will be advantageous to the state of North Dakota and will effect an increase in the value of such lands by consolidation or by making lands more accessible. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged, and the lands so acquired are subject to the trust to which the lands exchanged therefor were subject. **54-01-12. Exchange of lands on Indian reservation between state and federal government.** The state of North Dakota, through its several departments and agencies, may exchange tracts and sections of land on Indian reservations within the state, belonging to the state of North Dakota, and not a part of the original grant of land to the state provided in the Enabling Act, for lands of like character and value belonging to the United States government on Indian reservations within this state. Such exchange is subject to the approval of the appropriate department of the federal government and the lands must be appraised in the manner provided by law. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring notice of exchange or competitive bidding, and it may accept in return therefor a proper instrument of conveyance to the state of the lands for which such state lands are exchanged. **54-01-13. Exchange of lands on Fort Berthold reservation.** The state of North Dakota, through its several departments and agencies, is hereby authorized and empowered to exchange tracts, sections, and parcels of land located within the diminished borders of Fort Berthold reservation belonging to the state of North Dakota and not a part of the original grant of lands to the state provided for in the Enabling Act, for lands of like character and value belonging to the United States government located outside of the diminished borders of said Fort Berthold reservation. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged. **54-01-13.1. Exchange of lands within Theodore Roosevelt National Park.** The state of North Dakota is hereby authorized to transfer and convey to the United States of America any lands situated within the Theodore Roosevelt National Park in the county of Billings, state of North Dakota, including state school lands and lands held by the state historical society or for the use and benefit of the state game and fish department, such transfer and conveyance to be made in exchange for federal lands of not less than equal value situated outside of the Theodore Roosevelt National Park. **54-01-13.2. Appraisal.** The lands to be conveyed to the United States of America and also the lands to be taken in exchange therefor, under the provisions of section 54-01-13.1, must be appraised by the county superintendent of schools, the county auditor, and the chairman of the board of county commissioners in the county where the land is situated, at its fair market value, but no state school lands may be appraised and valued at less than ten dollars per acre [.40 hectare]. The county director of tax equalization shall serve as an assistant in making the appraisals. **54-01-13.3. Conveyance.** Conveyances made under section 54-01-13.1 to the United States of America of state school lands must be executed in the same form and manner as now provided by law for the sale and conveyance of state school lands and conveyance by the state of other lands under the provisions of section 54-01-13.1 must be executed on behalf of the state of North Dakota by the governor and attested by the secretary of state. James **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, January 3, 2022 11:33 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** Land Transfers James, I forget if we discussed state laws, and I apologize if we did, but did you review sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3? Matt
Attachments	15923.pdf, 15924.docx

Record 645

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Land Transfers
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:14:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:14:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:15:00.000 PM

Body

Can we discuss this issue? I am in a deposition from 9 to ? tomorrow.

From: Wald, James J. <jawald@nd.gov>
Sent: Thursday, January 6, 2022 3:47 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

Following up to get your thoughts on the below as well as the proposed revisions to S.3200 sent in e-mail dated 12/29/2021. Happy to discuss in a call if convenient.

Also, be advised that the McKenzie County Grazing Association has sent the attached letter to Representative Armstrong requesting that the Little Missouri National Grasslands be completely removed from the current bill. Paragraph 3 calls out the section line rights-of-way issue.

Thank You,

James

From: Wald, James J.
Sent: Tuesday, January 4, 2022 5:29 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

I don't believe we have specifically discussed sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3, but I don't see any glaring issues aside from those we have already discussed. Here is my take, please let me know if you disagree with anything - I would be happy to discuss further.

- Article IX, § 6 of the constitution requires further legislative authority to exchange state- owned original grant lands with federal lands (see highlighted language below).
- This legislative authority appears in N.D.C.C. §§ 15-06-19.1, 54-01-12, and 54-01-13:
  - § 15- 06- 19.1 grants the Board legislative authority to exchange "[o]riginal grant school or institutional lands and any other lands controlled by the board of university and school lands" with federal lands "of like character and value". I interpret this grant of authority to be quite broad and apply to *all* lands under the control of the Board (whether granted in the Enabling act or otherwise acquired thereafter, and wherever located).
  - § 54- 01- 12 grants legislative authority to exchange state- owned non- grant lands located on Indian reservations within the state with federal lands also located on Indian reservations within the state. The language does not indicate that the lands exchanged must be located the same reservation.
  - § 54- 01- 13 grants legislative authority to exchange state- owned non- grant lands located within the borders of Fort Berthold reservation with federal lands located *outside* of Fort Berthold reservation.
- S.3200 specifically proposes an exchange of state- owned land located within the Little Missouri National Grassland and within the reservations.
- N.D.C.C. §§ 54- 01- 13.1, 13.2, and 13.3 all appear to apply only to exchanges of land within Theodore Roosevelt National Park. It is my understanding that most (if not all) state- owned land within the Park has already been exchanged.

N.D. Const. art. IX, § 6.
Any of said lands that may be required for townsite purposes, schoolhouse sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, airplane landing fields, fairgrounds, public highways, railroad right of way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the constitution and laws of this state, may be sold under the provisions of this article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any of said lands and any other lands controlled by the board of university and school lands, including state coal mineral interests, may, with the approval of said board, be exchanged for lands and coal mineral interests of the United States, the state of North Dakota or any county or municipality thereof as the legislature may provide, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject, and the state shall reserve all mineral and water power rights in land so transferred, except coal mineral interests approved for exchange by the board of university and school lands under this section.

15-06-19.1. Exchange of lands with the United States

Body	15-06-15.1. Exchange of lands with the United States. Original grant school or institutional lands and any other lands controlled by the board of university and school lands may be exchanged for lands of like character and value belonging to the United States government when it appears that such exchange will be advantageous to the state of North Dakota and will effect an increase in the value of such lands by consolidation or by making lands more accessible. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged, and the lands so acquired are subject to the trust to which the lands exchanged therefor were subject. **54-01-12. Exchange of lands on Indian reservation between state and federal government.** The state of North Dakota, through its several departments and agencies, may exchange tracts and sections of land on Indian reservations within the state, belonging to the state of North Dakota, and not a part of the original grant of land to the state provided in the Enabling Act, for lands of like character and value belonging to the United States government on Indian reservations within this state. Such exchange is subject to the approval of the appropriate department of the federal government and the lands must be appraised in the manner provided by law. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring notice of exchange or competitive bidding, and it may accept in return therefor a proper instrument of conveyance to the state of the lands for which such state lands are exchanged. **54-01-13. Exchange of lands on Fort Berthold reservation.** The state of North Dakota, through its several departments and agencies, is hereby authorized and empowered to exchange tracts, sections, and parcels of land located within the diminished borders of Fort Berthold reservation belonging to the state of North Dakota and not a part of the original grant of lands to the state provided for in the Enabling Act, for lands of like character and value belonging to the United States government located outside of the diminished borders of said Fort Berthold reservation. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged. **54-01-13.1. Exchange of lands within Theodore Roosevelt National Park.** The state of North Dakota is hereby authorized to transfer and convey to the United States of America any lands situated within the Theodore Roosevelt National Park in the county of Billings, state of North Dakota, including state school lands and lands held by the state historical society or for the use and benefit of the state game and fish department, such transfer and conveyance to be made in exchange for federal lands of not less than equal value situated outside of the Theodore Roosevelt National Park. **54-01-13.2. Appraisal.** The lands to be conveyed to the United States of America and also the lands to be taken in exchange therefor, under the provisions of section 54-01-13.1, must be appraised by the county superintendent of schools, the county auditor, and the chairman of the board of county commissioners in the county where the land is situated, at its fair market value, but no state school lands may be appraised and valued at less than ten dollars per acre [.40 hectare]. The county director of tax equalization shall serve as an assistant in making the appraisals. **54-01-13.3. Conveyance.** Conveyances made under section 54-01-13.1 to the United States of America of state school lands must be executed in the same form and manner as now provided by law for the sale and conveyance of state school lands and conveyance by the state of other lands under the provisions of section 54-01-13.1 must be executed on behalf of the state of North Dakota by the governor and attested by the secretary of state. James **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, January 3, 2022 11:33 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** Land Transfers James, I forget if we discussed state laws, and I apologize if we did, but did you review sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3? Matt
Attachments	12559.pdf, 12560.docx

Record 646

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:50:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:50:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:50:52.000 AM
Body	Do you have time to meet after lunch to discuss the legislation affecting the land board?

Record 647

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov

Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:50:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:50:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:50:52.000 AM
Body	Do you have time to meet after lunch to discuss the legislation affecting the land board?

Record 648

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:21:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:21:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:21:39.000 PM
Body	I have been in a meeting and missed this. Next week? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, January 7, 2022 12:54 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: 1:15 is all I have available **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 7, 2022 11:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Do you have time to meet after lunch to discuss the legislation affecting the land board?

Record 649

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:21:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:21:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:21:39.000 PM
Body	I have been in a meeting and missed this. Next week? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, January 7, 2022 12:54 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: 1:15 is all I have available **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 7, 2022 11:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Do you have time to meet after lunch to discuss the legislation affecting the land board?

Record 650

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov

Subject	Keystone XL Pipeline Case dismissed by Texas Federal District court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:04:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:04:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:04:34.000 PM
Body	I just received the attached in the mail. I have not heard anything from counsel managing the case. Matt
Attachments	KeystonePipeline.Order.Dismissal[15912].pdf

Record 651

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Keystone XL Pipeline Case dismissed by Texas Federal District court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:04:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:04:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:04:34.000 PM
Body	I just received the attached in the mail. I have not heard anything from counsel managing the case. Matt
Attachments	KeystonePipeline.Order.Dismissal[12548].pdf

Record 652

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: AMA v. State and Burdick
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:35:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:35:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:35:31.000 AM

Body	Wayne, it looks like SA Burdick has entered into a stipulation with the Plaintiffs in this case, which will allow the county to essentially "sit the case out." Any objections? Even if we had objections, I bet the County would still file... Matt **From:** Scott Porsborg <SPorsborg@smithporsborg.com> **Sent:** Tuesday, January 11, 2022 10:28 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Austin Lafferty <ALafferty@smithporsborg.com> **Subject:** AMA v. State and Burdick ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, I understand you are now the lead on representing the State in the pending abortion case. We represent Birch Burdick in his official capacity, whose position is and always has been "tell me what the law is and I will enforce it." We've been riding the State's coattails in this case, but with the recent depositions it has become more and more expensive for us to participate in the case. I believe we have found a way out of this dilemma. Attached you will find a stipulation that has been approved by Burdick and the plaintiffs' counsel. We didn't want to file it without running it by you. Could you let us know if you have any concerns with the attached document? We'd like to get it filed before any additional depositions take place. Thanks, and feel free to call if you'd like to discuss. Scott K. Porsborg Certified Civil Trial Specialist – National Board of Trial Advocacy Smith Porsborg Schweigert Armstrong Moldenhauer & Smith P.O. Box 460 122 East Broadway Bismarck ND 58502-0460 Phone: 701-258-0630 sporsborg@smithporsborg.com
Attachments	15902.pdf

Record 653

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: AMA v. State and Burdick
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:35:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:35:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:35:31.000 AM

Body	Wayne, it looks like SA Burdick has entered into a stipulation with the Plaintiffs in this case, which will allow the county to essentially "sit the case out." Any objections? Even if we had objections, I bet the County would still file... Matt **From:** Scott Porsborg <SPorsborg@smithporsborg.com> **Sent:** Tuesday, January 11, 2022 10:28 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Austin Lafferty <ALafferty@smithporsborg.com> **Subject:** AMA v. State and Burdick ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, I understand you are now the lead on representing the State in the pending abortion case. We represent Birch Burdick in his official capacity, whose position is and always has been "tell me what the law is and I will enforce it." We've been riding the State's coattails in this case, but with the recent depositions it has become more and more expensive for us to participate in the case. I believe we have found a way out of this dilemma. Attached you will find a stipulation that has been approved by Burdick and the plaintiffs' counsel. We didn't want to file it without running it by you. Could you let us know if you have any concerns with the attached document? We'd like to get it filed before any additional depositions take place. Thanks, and feel free to call if you'd like to discuss. Scott K. Porsborg Certified Civil Trial Specialist – National Board of Trial Advocacy Smith Porsborg Schweigert Armstrong Moldenhauer & Smith P.O. Box 460 122 East Broadway Bismarck ND 58502-0460 Phone: 701-258-0630 sporsborg@smithporsborg.com
Attachments	12538.pdf

Record 654

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Berger v. NC NAACP - Draft Merits Amicus Brief
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:03:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:03:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:03:29.000 AM

Body	Attached is a new amicus request. The issue before the Court is whether the leaders of North Carolina's General Assembly should have been allowed to intervene under Rule 24(a)(2) to defend a state voting law where another state party was already named. This law was passed over the Governor's veto, and the named defendants are the members of the state elections board who serve under the Governor. I recommend we sit this one out, or at least wait to see who is going to sign on. Deadline is 1/18. Matt **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Wednesday, January 12, 2022 3:50 PM **To:** elacour@ago.state.al.us; krobertson@ago.state.al.us; jessie.alloway@alaska.gov; cori.mills@alaska.gov; laura.fox@alaska.gov; vincent.wagner@arkansasag.gov; nicholas.bronni@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; christopher.baum@myfloridalegal.com; rbergethon@law.ga.gov; dwaldbeser@law.ga.gov; apinson@law.ga.gov; tjohnson@law.ga.gov; spetrany@law.ga.gov; brian.kane@ag.idaho.gov; kimi.white@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; melinda.holmes@atg.in.gov; jeff.chanay@ag.ks.gov; brant.laue@ag.ks.gov; barry.dunn@ky.gov; matt.kuhn@ky.gov; brett.nolan@ky.gov; murrillE@ag.louisiana.gov; scott.stewart@ago.ms.gov; justin.matheny@ago.ms.gov; justin.smith@ago.mo.gov; john.sauer@ago.mo.gov; david.dewhirst@mt.gov; dave.bydalek@nebraska.gov; jim.campbell@nebraska.gov; sean.gill@doj.nh.gov; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; thomashydrick@scag.gov; esmith@scag.gov; paul.swedlund@state.sd.us; andree.blumstein@ag.tn.gov; jonathan.skrmetti@ag.tn.gov; sarah.campbell@ag.tn.gov; brandon.smith@ag.tn.gov; grant.dorfman@oag.texas.gov; judd.stone@oag.texas.gov; lanora.pettit@oag.texas.gov; benjamin.wilson@oag.texas.gov; melissaholyoak@agutah.gov; lindsay.s.see@wvago.gov; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Catlett, Michael <Michael.Catlett@azag.gov>; Sawyer, Kate <Kate.Sawyer@azag.gov>; Mancuso, Sarah <Sarah.Mancuso@azag.gov>; Anklam, Rachel <Rachel.Anklam@azag.gov> **Subject:** Berger v. NC NAACP - Draft Merits Amicus Brief ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends, Attached is a draft of an amcius brief from the perspective of states in Berger v. NC NAACP—the third of the Court's trilogy of intervention cases this term. The issue before the Court is whether the leaders of North Carolina's General Assembly should have been allowed to intervene under Rule 24(a)(2) to defend a state voting law where another state party was already named. This law was passed over the Governor's veto, and the named defendants are the members of the state elections board who serve under the Governor. I applogize that this draft is not as far along as I would like, but I wanted to circulate it for your consideration given the impending long weekend. I will circulate an updated draft later this week, but I think this draft conveys the substance of the arguments. My overall goal in this brief is to support intervention by authorized agents because I think it is good for the rule of law long term, but also to do no harm to institutional interests of attorneys general. I am open to any edits, large or small, including cutting sections or adding sections. So far, I am the only drafter of this, so all errors are mine, not my team's. Given our printer deadline, if you could get me sign-ons by **11am ET on Tuesday 1/18**, I would appreciate it. Sincerely, Beau Roysden Arizona Attorney General's Office 602-315-7545
Attachments	15893.pdf, 15894.docx

Record 655

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Berger v. NC NAACP - Draft Merits Amicus Brief
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:03:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:03:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 11:03:29.000 AM

Body	Attached is a new amicus request. The issue before the Court is whether the leaders of North Carolina's General Assembly should have been allowed to intervene under Rule 24(a)(2) to defend a state voting law where another state party was already named. This law was passed over the Governor's veto, and the named defendants are the members of the state elections board who serve under the Governor. I recommend we sit this one out, or at least wait to see who is going to sign on. Deadline is 1/18. Matt **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Wednesday, January 12, 2022 3:50 PM **To:** elacour@ago.state.al.us; krobertson@ago.state.al.us; jessie.alloway@alaska.gov; cori.mills@alaska.gov; laura.fox@alaska.gov; vincent.wagner@arkansasag.gov; nicholas.bronni@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; christopher.baum@myfloridalegal.com; rbergethon@law.ga.gov; dwaldbeser@law.ga.gov; apinson@law.ga.gov; tjohnson@law.ga.gov; spetrany@law.ga.gov; brian.kane@ag.idaho.gov; kimi.white@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; melinda.holmes@atg.in.gov; jeff.chanay@ag.ks.gov; brant.laue@ag.ks.gov; barry.dunn@ky.gov; matt.kuhn@ky.gov; brett.nolan@ky.gov; murrillE@ag.louisiana.gov; scott.stewart@ago.ms.gov; justin.matheny@ago.ms.gov; justin.smith@ago.mo.gov; john.sauer@ago.mo.gov; david.dewhirst@mt.gov; dave.bydalek@nebraska.gov; jim.campbell@nebraska.gov; sean.gill@doj.nh.gov; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; thomashydrick@scag.gov; esmith@scag.gov; paul.swedlund@state.sd.us; andree.blumstein@ag.tn.gov; jonathan.skrmetti@ag.tn.gov; sarah.campbell@ag.tn.gov; brandon.smith@ag.tn.gov; grant.dorfman@oag.texas.gov; judd.stone@oag.texas.gov; lanora.pettit@oag.texas.gov; benjamin.wilson@oag.texas.gov; melissaholyoak@agutah.gov; lindsay.s.see@wvago.gov; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Catlett, Michael <Michael.Catlett@azag.gov>; Sawyer, Kate <Kate.Sawyer@azag.gov>; Mancuso, Sarah <Sarah.Mancuso@azag.gov>; Anklam, Rachel <Rachel.Anklam@azag.gov> **Subject:** Berger v. NC NAACP - Draft Merits Amicus Brief ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends, Attached is a draft of an amcius brief from the perspective of states in Berger v. NC NAACP—the third of the Court's trilogy of intervention cases this term. The issue before the Court is whether the leaders of North Carolina's General Assembly should have been allowed to intervene under Rule 24(a)(2) to defend a state voting law where another state party was already named. This law was passed over the Governor's veto, and the named defendants are the members of the state elections board who serve under the Governor. I applogize that this draft is not as far along as I would like, but I wanted to circulate it for your consideration given the impending long weekend. I will circulate an updated draft later this week, but I think this draft conveys the substance of the arguments. My overall goal in this brief is to support intervention by authorized agents because I think it is good for the rule of law long term, but also to do no harm to institutional interests of attorneys general. I am open to any edits, large or small, including cutting sections or adding sections. So far, I am the only drafter of this, so all errors are mine, not my team's. Given our printer deadline, if you could get me sign-ons by **11am ET on Tuesday 1/18**, I would appreciate it. Sincerely, Beau Roysden Arizona Attorney General's Office 602-315-7545
Attachments	12530.pdf, 12531.docx

Record 656

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, jnicolai@nd.gov
Subject	21a244_hgci.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 1:43:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 1:43:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 1:43:51.000 PM
Body	**OSHA rule is stayed.**
CC	ctitus@nd.gov
Attachments	21a244_hgci[15892].pdf

Record 657

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, jnicolai@nd.gov
Subject	21a244_hgci.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 1:43:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 1:43:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 1:43:51.000 PM
Body	OSHA rule is stayed.
CC	ctitus@nd.gov
Attachments	21a244_hgci[12529].pdf

Record 658

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, sebyp@gtlaw.com
Subject	FW: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:48:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:48:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:48:44.000 PM
Body	Thoughts on this? Should I send this to LBO? **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: I am following up with you on a letter we had sent back in December. You had indicated in our last in person meeting, the State would like the opportunity to continued meetings with the Corps to discuss the DAPL project. Please let me know if any of the dates in February work. We could also facilitate a virtual meeting as well if that helps. Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045
Attachments	20211201_DAPL_EIS_ND_MeetingSchedulingLetter_Signed[15881].pdf

Record 659

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, sebyp@gtlaw.com
Subject	FW: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:48:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:48:43.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:48:44.000 PM
Body	Thoughts on this? Should I send this to LBO? **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: I am following up with you on a letter we had sent back in December. You had indicated in our last in person meeting, the State would like the opportunity to continued meetings with the Corps to discuss the DAPL project. Please let me know if any of the dates in February work. We could also facilitate a virtual meeting as well if that helps. Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045
Attachments	20211201_DAPL_EIS_ND_MeetingSchedulingLetter_Signed[12518].pdf

Record 660

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:23:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:23:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:23:24.000 PM

Body	§44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, January 14, 2022 3:06 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 14, 2022 1:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** FW: 20220114_DAPL_EIS_MeetingFollowUp §44-04-19.1 **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: §44-04-19.1 Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	sebyp@gtlaw.com

Record 661

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:23:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:23:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:23:24.000 PM

Body	§44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, January 14, 2022 3:06 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 14, 2022 1:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** FW: 20220114_DAPL_EIS_MeetingFollowUp §44-04-19.1 **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: §44-04-19.1 Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	sebyp@gtlaw.com

Record 662

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	sebyp@gtlaw.com, wstenehjem@nd.gov
Subject	RE: DRAFT ND Status Report Regarding the Discovery Status and Proposed Interim Deadline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:47:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:47:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:47:47.000 PM

Body	[redacted] **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, January 14, 2022 3:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** DRAFT ND Status Report Regarding the Discovery Status and Proposed Interim Deadline ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thanks Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 663

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	sebyp@gtlaw.com, wstenehjem@nd.gov
Subject	RE: DRAFT ND Status Report Regarding the Discovery Status and Proposed Interim Deadline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:47:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:47:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:47:47.000 PM
Body	[redacted] §44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, January 14, 2022 3:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** DRAFT ND Status Report Regarding the Discovery Status and Proposed Interim Deadline ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thanks Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 664

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Kentucky v. McCarthy, No. 21-940 - UPDATED JOIN DEADLINE
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:56:21.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:56:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:56:21.000 AM
Body	Mike Pitcher recommends that ND join this brief – his analysis is in the attached email. Deadline is January 24. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Tuesday, January 18, 2022 9:53 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jillian Price <Jillian.Price@coag.gov>; Gabriel.Olivares@coag.gov **Subject:** Amicus Brief in Kentucky v. McCarthy, No. 21-940 - UPDATED JOIN DEADLINE ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Criminal Amicus Contacts From: Colorado Attorney General's Office Colorado has updated the deadline for states to join its amicus brief supporting petitioner Kentucky, in *Kentucky v. McCarthy,* No. 21-940 (U.S.) (draft attached). The new deadline is **Monday, January 24, 2022, at 5:00PM EST.** The brief is due on January 26, 2022. The questions presented are: (1) whether the Fourth Amendment prohibits the admission of a defendant's refusal of a blood test in an impaired-driving prosecution; and (2) whether the Fourth Amendment prohibits a mandatory minimum sentence based on a defendant's refusal of a blood test in an impaired-driving prosecution. The amicus brief supports only the evidentiary use argument. In this case, the Supreme Court of Kentucky held that the Commonwealth could not criminally penalize McCarthy for his refusal to submit to a blood test, and that the increased mandatory minimum sentence constituted a criminal penalty. The Kentucky Court also held admitting a defendant's refusal to consent to a search as evidence of guilt violates the Fourth Amendment, relying on its prior decisions in non-DUI cases. The Kentucky Court justified applying that precedent to the DUI context because it concluded that the Fourth Amendment question had not been squarely addressed by the Supreme Court, which had previously focused on the Fifth Amendment implications of admitting refusal evidence. Moreover, the Kentucky Court reasoned the prosecution's argument for its admission was undermined by the analysis presented in *Birchfield*, which held that a warrantless blood draw incident to arrests for drunk driving are normally unreasonable under the Fourth Amendment. By contrast, almost all states allow the admission of evidence that the driver refused a blood draw. A number of you joined the amicus brief we filed in *Mitchell v. Wisconsin*, No. 18-6210, a case about the scope of implied consent laws; and like that brief, this one discusses the constitutionality of such laws as well as the critical role refusal evidence plays in criminal prosecutions of impaired drivers. Please contact me at jillian.price@coag.gov or Gabriel Olivares at gabriel.olivares@coag.gov to join the brief or to offer any suggestions; we welcome your feedback and look forward to having a strong coalition in support of this important issue. The brief is due January 26, 2022, and the deadline to join is **Monday, January 24, 2022, at 5:00PM EST.** With appreciation, Jillian J. Price, Deputy Attorney General Criminal Appeals Section Ralph L. Carr Colorado Judicial Center 1300 Broadway, 9th Floor Denver, Colorado 80203 Direct: (720) 508-6483 Cell: (720) 320-8448 Email: jillian.price@coag.gov Pronouns: she/her **Note that my working hours may differ from yours; therefore, please do not feel any obligation to respond outside of your normal hours.
Attachments	15869.docx, 15870.eml

Record 665

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Kentucky v. McCarthy, No. 21-940 - UPDATED JOIN DEADLINE
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:56:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:56:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:56:21.000 AM

Body	Mike Pitcher recommends that ND join this brief – his analysis is in the attached email. Deadline is January 24. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Tuesday, January 18, 2022 9:53 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jillian Price <Jillian.Price@coag.gov>; Gabriel.Olivares@coag.gov **Subject:** Amicus Brief in Kentucky v. McCarthy, No. 21-940 - UPDATED JOIN DEADLINE ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Criminal Amicus Contacts From: Colorado Attorney General's Office Colorado has updated the deadline for states to join its amicus brief supporting petitioner Kentucky, in *Kentucky v. McCarthy,* No. 21-940 (U.S.) (draft attached). The new deadline is **Monday, January 24, 2022, at 5:00PM EST**. The brief is due on January 26, 2022. The questions presented are: (1) whether the Fourth Amendment prohibits the admission of a defendant's refusal of a blood test in an impaired-driving prosecution; and (2) whether the Fourth Amendment prohibits a mandatory minimum sentence based on a defendant's refusal of a blood test in an impaired-driving prosecution. The amicus brief supports only the evidentiary use argument. In this case, the Supreme Court of Kentucky held that the Commonwealth could not criminally penalize McCarthy for his refusal to submit to a blood test, and that the increased mandatory minimum sentence constituted a criminal penalty. The Kentucky Court also held admitting a defendant's refusal to consent to a search as evidence of guilt violates the Fourth Amendment, relying on its prior decisions in non-DUI cases. The Kentucky Court justified applying that precedent to the DUI context because it concluded that the Fourth Amendment question had not been squarely addressed by the Supreme Court, which had previously focused on the Fifth Amendment implications of admitting refusal evidence. Moreover, the Kentucky Court reasoned the prosecution's argument for its admission was undermined by the analysis presented in *Birchfield*, which held that a warrantless blood draw incident to arrests for drunk driving are normally unreasonable under the Fourth Amendment. By contrast, almost all states allow the admission of evidence that the driver refused a blood draw. A number of you joined the amicus brief we filed in *Mitchell v. Wisconsin*, No. 18-6210, a case about the scope of implied consent laws; and like that brief, this one discusses the constitutionality of such laws as well as the critical role refusal evidence plays in criminal prosecutions of impaired drivers. Please contact me at jillian.price@coag.gov or Gabriel Olivares at gabriel.olivares@coag.gov to join the brief or to offer any suggestions; we welcome your feedback and look forward to having a strong coalition in support of this important issue. The brief is due January 26, 2022, and the deadline to join is **Monday, January 24, 2022, at 5:00PM EST**. With appreciation, Jillian J. Price, Deputy Attorney General Criminal Appeals Section Ralph L. Carr Colorado Judicial Center 1300 Broadway, 9th Floor Denver, Colorado 80203 Direct: (720) 508-6483 Cell: (720) 320-8448 Email: jillian.price@coag.gov Pronouns: she/her **Note that my working hours may differ from yours; therefore, please do not feel any obligation to respond outside of your normal hours.
Attachments	12506.docx, 12507.eml

Record 666

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:00:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:00:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:00:25.000 AM

Body	Tax recommends ND join this brief. Tax response to my inquiry is attached. Deadline to join is the 21st.
	Matt
	
	From: Dan Schweitzer <dschweitzer@naag.org>
	Sent: Friday, January 14, 2022 3:40 PM
	To: Dan Schweitzer <dschweitzer@naag.org>
	Cc: VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; norah.rast@dc.gov
	Subject: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
	
	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****
	
	To: Civil Amicus Contacts
	From: District of Columbia SG Office
	
	The District of Columbia has prepared the attached amicus brief supporting Respondent-Appellant North Carolina Department of Revenue in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21 (N.C.). The question presented is whether the dormant Commerce Clause bars North Carolina from requiring out-of-state retailers to collect sales tax when they deliver goods to in-state consumers.
	
	Quad Graphics, Inc. ("Quad") is a Wisconsin-based corporation that prints books, magazines, and other items for direct mail to customers nationwide. The North Carolina Department of Revenue issued an assessment to Quad for uncollected sales tax on printed materials that Quad delivered to customers in North Carolina, pursuant to the provision of its tax code that clarifies that sales are "sourced to the location where the purchaser receives the product." N.C.G.S. § 105-164.8(a)(2).
	
	A North Carolina Business Court judge held that the dormant Commerce Clause prohibited states from imposing sales taxes on out-of-state goods delivered by common carrier into the state. Under *Dilworth*, the court concluded, a state sales (as opposed to use) tax "survives scrutiny under the Commerce Clause only where the purchase of tangible personal property—i.e., the transfer of ownership from the seller to buyer—takes place in the taxing state." *Quad Graphics, Inc. v. N.C. Dep't of Revenue*, No. 20 CVS 7449, 2021 WL 2584282, at *11 (N.C. Super. June 23, 2021). North Carolina has appealed this decision to the North Carolina Supreme Court. Notably, many other states have similar destination-based sourcing schemes.
	
	Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with questions, suggestions, or to join the brief. We would appreciate any edits or comments by **EOD Wednesday, January 19.** The join deadline is **January 21, 2021 at 12:00pm ET.**
	
	With appreciation,
	
	Caroline S. Van Zile
	Principal Deputy Solicitor General
	Office of the Attorney General for the District of Columbia
	400 6th Street, NW, Suite 8100
	Washington, D.C. 20001
	(917) 971-0361 (cell)
	(202) 724-6609 (phone)
	(202) 741-0649 (fax)
	caroline.vanzile@dc.gov
	
	From: Dan Schweitzer <dschweitzer@naag.org>
	Sent: Tuesday, December 28, 2021 11:14 AM
	To: Dan Schweitzer <dschweitzer@naag.org>
	Cc: VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; Rast, Norah (OAG) <Norah.Rast@dc.gov>
	Subject: Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
	
	To: Civil Amicus Contacts
	From: District of Columbia SG Office
	
	The District of Columbia is preparing an amicus brief supporting respondent-appellant North Carolina in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21, in the North Carolina Supreme Court. The relevant question presented is whether the dormant Commerce Clause bars states from asserting and collecting sales taxes on transactions originating from out-of-state and delivered to in-state consumers. We expect the North Carolina AG to argue that *Dilworth* formalism—which allows use taxes, but not sales taxes on such transactions—is no longer good law.
	
	States have a critical interest in protecting their sovereign authority to fairly tax interstate commerce and to preserve the gains they received from the Supreme Court's decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2018). The District's brief will therefore make two related arguments: *First*, the brief will argue that reaffirming Dilworth formalism would be inconsistent with the Supreme Court's decision in *Wayfair* and would reintroduce many of the policy concerns that animated the Court's abrogation of the physical-presence rule. *Second*, the brief will highlight the particular concerns raised by the lower court's decision in states with destination-based sourcing schemes. The District and at least 39 states have tax-sourcing statutes that identify the location of the "sale" as the place where the goods are delivered. Allowing courts to override such statutes and conclude that there is no transactional nexus absent physical purchase within the taxing state would undermine states' sovereign taxing authority and contradict the fundamental principle that "the modes adopted [by the States] to enforce the taxes levied should be interfered with as little as possible." *Dows v. City of Chicago*, 78 U.S. 108, 110 (1871).
	
	As we craft and refine the brief, **it would be helpful to know the following by January 7** (if you happen to have responsive information):
	
	1. Does your state have a destination-based sourcing scheme? If so, a citation to the specific provision of the state tax code would be ideal.
	2. In the wake of *Wayfair*:
	    1. Is your state assessing and collecting sales taxes on out-of-state companies that deliver goods to in-state consumers?
	    2. Has your state faced *Dilworth*-based challenges such as the one at issue here?
	
	Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with your responses. We will circulate a draft brief on or around **January 14**, in advance of the **January 21 join deadline**. Many thanks in advance for your help.
	
	With appreciation,
	
	Caroline S. Van Zile
	Principal Deputy Solicitor General
	Office of the Attorney General for the District of Columbia
	400 6th Street, NW, Suite 8100
	Washington, D.C. 20001
	(917) 971-0361 (cell)
	(202) 724-6609 (phone)
	(202) 741-0649 (fax)
	caroline.vanzile@dc.gov

Attachments	15867.docx, 15866.pdf, 15868.eml

Record 667

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:00:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:00:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:00:25.000 AM

Body	Tax recommends ND join this brief. Tax response to my inquiry is attached. Deadline to join is the 21st.
	Matt
	
	From: Dan Schweitzer <dschweitzer@naag.org>
	Sent: Friday, January 14, 2022 3:40 PM
	To: Dan Schweitzer <dschweitzer@naag.org>
	Cc: VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; norah.rast@dc.gov
	Subject: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
	
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	To: Civil Amicus Contacts
	From: District of Columbia SG Office
	
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	Quad Graphics, Inc. ("Quad") is a Wisconsin-based corporation that prints books, magazines, and other items for direct mail to customers nationwide. The North Carolina Department of Revenue issued an assessment to Quad for uncollected sales tax on printed materials that Quad delivered to customers in North Carolina, pursuant to the provision of its tax code that clarifies that sales are "sourced to the location where the purchaser receives the product." N.C.G.S. § 105-164.8(a)(2).
	
	A North Carolina Business Court judge held that the dormant Commerce Clause prohibited states from imposing sales taxes on out-of-state goods delivered by common carrier into the state. Under *Dilworth*, the court concluded, a state sales (as opposed to use) tax "survives scrutiny under the Commerce Clause only where the purchase of tangible personal property—i.e., the transfer of ownership from the seller to buyer—takes place in the taxing state." *Quad Graphics, Inc. v. N.C. Dep't of Revenue*, No. 20 CVS 7449, 2021 WL 2584282, at *11 (N.C. Super. June 23, 2021). North Carolina has appealed this decision to the North Carolina Supreme Court. Notably, many other states have similar destination-based sourcing schemes.
	
	Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with questions, suggestions, or to join the brief. We would appreciate any edits or comments by **EOD Wednesday, January 19.** The join deadline is **January 21, 2021 at 12:00pm ET.**
	
	With appreciation,
	
	Caroline S. Van Zile
	Principal Deputy Solicitor General
	Office of the Attorney General for the District of Columbia
	400 6th Street, NW, Suite 8100
	Washington, D.C. 20001
	(917) 971-0361 (cell)
	(202) 724-6609 (phone)
	(202) 741-0649 (fax)
	caroline.vanzile@dc.gov
	
	From: Dan Schweitzer <dschweitzer@naag.org>
	Sent: Tuesday, December 28, 2021 11:14 AM
	To: Dan Schweitzer <dschweitzer@naag.org>
	Cc: VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; Rast, Norah (OAG) <Norah.Rast@dc.gov>
	Subject: Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
	
	To: Civil Amicus Contacts
	From: District of Columbia SG Office
	
	The District of Columbia is preparing an amicus brief supporting respondent-appellant North Carolina in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21, in the North Carolina Supreme Court. The relevant question presented is whether the dormant Commerce Clause bars states from asserting and collecting sales taxes on transactions originating from out-of-state and delivered to in-state consumers. We expect the North Carolina AG to argue that *Dilworth* formalism—which allows use taxes, but not sales taxes on such transactions—is no longer good law.
	
	States have a critical interest in protecting their sovereign authority to fairly tax interstate commerce and to preserve the gains they received from the Supreme Court's decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2018). The District's brief will therefore make two related arguments: *First*, the brief will argue that reaffirming Dilworth formalism would be inconsistent with the Supreme Court's decision in *Wayfair* and would reintroduce many of the policy concerns that animated the Court's abrogation of the physical-presence rule. *Second*, the brief will highlight the particular concerns raised by the lower court's decision in states with destination-based sourcing schemes. The District and at least 39 states have tax-sourcing statutes that identify the location of the "sale" as the place where the goods are delivered. Allowing courts to override such statutes and conclude that there is no transactional nexus absent physical purchase within the taxing state would undermine states' sovereign taxing authority and contradict the fundamental principle that "the modes adopted [by the States] to enforce the taxes levied should be interfered with as little as possible." *Dows v. City of Chicago*, 78 U.S. 108, 110 (1871).
	
	As we craft and refine the brief, **it would be helpful to know the following by January 7** (if you happen to have responsive information):
	
	1. Does your state have a destination-based sourcing scheme? If so, a citation to the specific provision of the state tax code would be ideal.
	2. In the wake of *Wayfair*:
	    1. Is your state assessing and collecting sales taxes on out-of-state companies that deliver goods to in-state consumers?
	    2. Has your state faced *Dilworth*-based challenges such as the one at issue here?
	
	Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with your responses. We will circulate a draft brief on or around **January 14**, in advance of the **January 21 join deadline**. Many thanks in advance for your help.
	
	With appreciation,
	
	Caroline S. Van Zile
	Principal Deputy Solicitor General
	Office of the Attorney General for the District of Columbia
	400 6th Street, NW, Suite 8100
	Washington, D.C. 20001
	(917) 971-0361 (cell)
	(202) 724-6609 (phone)
	(202) 741-0649 (fax)
	caroline.vanzile@dc.gov

Attachments	12504.docx, 12503.pdf, 12505.eml

Record 668

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Bianchi v. Frosh - 21-902 - Cert Stage Amicus
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:31:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:31:40.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:31:44.000 AM

Body	Attached is a new amicus request prepared by West Virginia and Arizona. Deadline is 1/19. The issue that Petitioners ask the Court to hear is whether Maryland's ban on "assault weapons" commonly used by law-abiding citizens violates the Second Amendment. More specifically, the Maryland statute bans any semi-automatic centerfire rifle with a detachable magazine that has at least two of (1) a folding stock, (2) a grenade or flare launcher, or (3) a flash suppressor. The ban also specifically applies to a list of 45 enumerated rifle types. In both the district court and the Fourth Circuit, Petitioners conceded that their Second Amendment claim is foreclosed under the en banc Fourth Circuit's decision in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). That decision erroneously holds that any firearm that is "most useful in military service" falls outside the protections of the Second Amendment. The petition asks the Court to overrule *Kolbe* and adopt a categorical approach to the Second Amendment. Cooper and Kirk represents the Petitioners and their petition is attached. **From:** Catlett, Michael <Michael.Catlett@azag.gov> **Sent:** Friday, January 14, 2022 2:16 PM **To:** Roysden, Beau <Beau.Roysden@azag.gov>; elacour@ago.state.al.us; krobertson@ago.state.al.us; jessie.alloway@alaska.gov; cori.mills@alaska.gov; vincent.wagner@arkansasag.gov; nicholas.bronni@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; christopher.baum@myfloridalegal.com; rbergethon@law.ga.gov; dwaldbeser@law.ga.gov; apinson@law.ga.gov; tjohnson@law.ga.gov; spetrany@law.ga.gov; brian.kane@ag.idaho.gov; kimi.white@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; melinda.holmes@atg.in.gov; jeff.chanay@ag.ks.gov; brant.laue@ag.ks.gov; barry.dunn@ky.gov; matt.kuhn@ky.gov; brett.nolan@ky.gov; murrillE@ag.louisiana.gov; scott.stewart@ago.ms.gov; justin.matheny@ago.ms.gov; justin.smith@ago.mo.gov; john.sauer@ago.mo.gov; david.dewhirst@mt.gov; dave.bydalek@nebraska.gov; jim.campbell@nebraska.gov; sean.gill@doj.nh.gov; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; thomashydrick@scag.gov; esmith@scag.gov; paul.swedlund@state.sd.us; andree.blumstein@ag.tn.gov; jonathan.skrmetti@ag.tn.gov; sarah.campbell@ag.tn.gov; brandon.smith@ag.tn.gov; grant.dorfman@oag.texas.gov; judd.stone@oag.texas.gov; lanora.pettit@oag.texas.gov; benjamin.wilson@oag.texas.gov; melissaholyoak@agutah.gov; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; lindsay.s.see@wvago.gov; Anklam, Rachel <Rachel.Anklam@azag.gov>; Mancuso, Sarah <Sarah.Mancuso@azag.gov>; Napolitano, Anthony <Anthony.Napolitano@azag.gov>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov> **Subject:** Bianchi v. Frosh - 21-902 - Cert Stage Amicus ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends, Attached is a draft of a cert-stage amicus brief from the perspective of states in Bianchi v. Frosh. The brief is a joint effort between West Virginia and Arizona. The issue that Petitioners ask the Court to hear is whether Maryland's ban on "assault weapons" commonly used by law-abiding citizens violates the Second Amendment. More specifically, the Maryland statute bans any semi-automatic centerfire rifle with a detachable magazine that has at least two of (1) a folding stock, (2) a grenade or flare launcher, or (3) a flash suppressor. The ban also specifically applies to a list of 45 enumerated rifle types. In both the district court and the Fourth Circuit, Petitioners conceded that their Second Amendment claim is foreclosed under the en banc Fourth Circuit's decision in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). That decision erroneously holds that any firearm that is "most useful in military service" falls outside the protections of the Second Amendment. The petition asks the Court to overrule *Kolbe* and adopt a categorical approach to the Second Amendment. Cooper and Kirk represents the Petitioners and their petition is attached. Given our printer deadline, if you could get us sign-ons by **11am ET on Wednesday 1/19**, we would appreciate it. Best, Mike Michael S. Catlett Deputy Solicitor General and Chief Counsel of Special Litigation Office of the Attorney General Solicitor General's Office 2005 N. Central Avenue Phoenix, AZ 85004 Phone: (602) 542-7751 Fax: (602) 542-8308 michael.catlett@azag.gov
CC	lbrocker@nd.gov
Attachments	15865.pdf, 15864.docx, image001[15702].png

Record 669

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Bianchi v. Frosh - 21-902 - Cert Stage Amicus
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:31:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:31:40.000 AM
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Body	Attached is a new amicus request prepared by West Virginia and Arizona. Deadline is 1/19. The issue that Petitioners ask the Court to hear is whether Maryland's ban on "assault weapons" commonly used by law-abiding citizens violates the Second Amendment. More specifically, the Maryland statute bans any semi-automatic centerfire rifle with a detachable magazine that has at least two of (1) a folding stock, (2) a grenade or flare launcher, or (3) a flash suppressor. The ban also specifically applies to a list of 45 enumerated rifle types. In both the district court and the Fourth Circuit, Petitioners conceded that their Second Amendment claim is foreclosed under the en banc Fourth Circuit's decision in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). That decision erroneously holds that any firearm that is "most useful in military service" falls outside the protections of the Second Amendment. The petition asks the Court to overrule *Kolbe* and adopt a categorical approach to the Second Amendment. Cooper and Kirk represents the Petitioners and their petition is attached. **From:** Catlett, Michael <Michael.Catlett@azag.gov> **Sent:** Friday, January 14, 2022 2:16 PM **To:** Roysden, Beau <Beau.Roysden@azag.gov>; elacour@ago.state.al.us; krobertson@ago.state.al.us; jessie.alloway@alaska.gov; cori.mills@alaska.gov; vincent.wagner@arkansasag.gov; nicholas.bronni@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; christopher.baum@myfloridalegal.com; rbergethon@law.ga.gov; dwaldbeser@law.ga.gov; apinson@law.ga.gov; tjohnson@law.ga.gov; spetrany@law.ga.gov; brian.kane@ag.idaho.gov; kimi.white@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; melinda.holmes@atg.in.gov; jeff.chanay@ag.ks.gov; brant.laue@ag.ks.gov; barry.dunn@ky.gov; matt.kuhn@ky.gov; brett.nolan@ky.gov; murrillE@ag.louisiana.gov; scott.stewart@ago.ms.gov; justin.matheny@ago.ms.gov; justin.smith@ago.mo.gov; john.sauer@ago.mo.gov; david.dewhirst@mt.gov; dave.bydalek@nebraska.gov; jim.campbell@nebraska.gov; sean.gill@doj.nh.gov; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; thomashydrick@scag.gov; esmith@scag.gov; paul.swedlund@state.sd.us; andree.blumstein@ag.tn.gov; jonathan.skrmetti@ag.tn.gov; sarah.campbell@ag.tn.gov; brandon.smith@ag.tn.gov; grant.dorfman@oag.texas.gov; judd.stone@oag.texas.gov; lanora.pettit@oag.texas.gov; benjamin.wilson@oag.texas.gov; melissaholyoak@agutah.gov; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; lindsay.s.see@wvago.gov; Anklam, Rachel <Rachel.Anklam@azag.gov>; Mancuso, Sarah <Sarah.Mancuso@azag.gov>; Napolitano, Anthony <Anthony.Napolitano@azag.gov>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov> **Subject:** Bianchi v. Frosh - 21-902 - Cert Stage Amicus ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends, Attached is a draft of a cert-stage amicus brief from the perspective of states in Bianchi v. Frosh. The brief is a joint effort between West Virginia and Arizona. The issue that Petitioners ask the Court to hear is whether Maryland's ban on "assault weapons" commonly used by law-abiding citizens violates the Second Amendment. More specifically, the Maryland statute bans any semi-automatic centerfire rifle with a detachable magazine that has at least two of (1) a folding stock, (2) a grenade or flare launcher, or (3) a flash suppressor. The ban also specifically applies to a list of 45 enumerated rifle types. In both the district court and the Fourth Circuit, Petitioners conceded that their Second Amendment claim is foreclosed under the en banc Fourth Circuit's decision in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). That decision erroneously holds that any firearm that is "most useful in military service" falls outside the protections of the Second Amendment. The petition asks the Court to overrule *Kolbe* and adopt a categorical approach to the Second Amendment. Cooper and Kirk represents the Petitioners and their petition is attached. Given our printer deadline, if you could get us sign-ons by **11am ET on Wednesday 1/19**, we would appreciate it. Best, Mike Michael S. Catlett Deputy Solicitor General and Chief Counsel of Special Litigation Office of the Attorney General Solicitor General's Office 2005 N. Central Avenue Phoenix, AZ 85004 Phone: (602) 542-7751 Fax: (602) 542-8308 michael.catlett@azag.gov
CC	lbrocker@nd.gov
Attachments	12502.pdf, 12501.docx, image001[12339].png

Record 670

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:46:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:46:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:46:35.000 PM

Body	Attached is a new amicus request, written by Texas on behalf of Arizona, supporting Arizona's motion to dismiss a case relating to Arizona's voting laws. I would normally support such an amicus request, but I generally do not recommend amicus briefs at this early stage of a case. Matt **From:** Beth Klusmann <Beth.Klusmann@oag.texas.gov> **Sent:** Tuesday, January 18, 2022 11:29 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; SPetrany@LAW.GA.GOV; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Christian.Corrigan@mt.gov; Brent.Mead2@mt.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; ESmith@scag.gov; ThomasHydrick@scag.gov; HKirkland@scag.gov; BCook@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; sarah.campbell@ag.tn.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; james.kaste@wyo.gov; ryan.schelhaas@wyo.gov; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov> **Cc:** Judd Stone <Judd.Stone@oag.texas.gov>; Drew.Ensign@azag.gov; Beau.Roysden@azag.gov **Subject:** Draft States Amicus Brief - Mi Familia Vota v. Hobbs ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello all, I've attached a draft States amicus brief in support of Arizona's motion to dismiss in its most recent voting litigation concerning two laws: (1) requiring missing signatures on mail-in ballots to be provided by election day; and (2) removing voters from the early voting list such that they no longer automatically receive mail-in ballots if they don't vote for two cycles and fail to respond when asked if they wish to remain on the list. Plaintiffs have not brought a section 2 results claim, but only a discriminatory-purpose claim and an undue-burden claim. Our amicus brief focuses on the purpose claim and highlights the need for adequate allegations of invidious purpose, the presumption of legislative good faith, and the discovery burdens that await if the motion to dismiss is denied. We'd like to file this on Friday, so please let me know if you'd like to join by **noon (CT) on Friday, January 21**. Thank you! Beth Beth Klusmann Assistant Solicitor General Office: (512) 936-1914 Cell: (469) 585-7590
Attachments	AmicusBr_Circulate[16104].pdf

Record 671

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:46:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:46:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 12:46:35.000 PM

Body	Attached is a new amicus request, written by Texas on behalf of Arizona, supporting Arizona's motion to dismiss a case relating to Arizona's voting laws. I would normally support such an amicus request, but I generally do not recommend amicus briefs at this early stage of a case. Matt **From:** Beth Klusmann <Beth.Klusmann@oag.texas.gov> **Sent:** Tuesday, January 18, 2022 11:29 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; SPetrany@LAW.GA.GOV; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Christian.Corrigan@mt.gov; Brent.Mead2@mt.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; ESmith@scag.gov; ThomasHydrick@scag.gov; HKirkland@scag.gov; BCook@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; sarah.campbell@ag.tn.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; james.kaste@wyo.gov; ryan.schelhaas@wyo.gov; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov> **Cc:** Judd Stone <Judd.Stone@oag.texas.gov>; Drew.Ensign@azag.gov; Beau.Roysden@azag.gov **Subject:** Draft States Amicus Brief - Mi Familia Vota v. Hobbs ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello all, I've attached a draft States amicus brief in support of Arizona's motion to dismiss in its most recent voting litigation concerning two laws: (1) requiring missing signatures on mail-in ballots to be provided by election day; and (2) removing voters from the early voting list such that they no longer automatically receive mail-in ballots if they don't vote for two cycles and fail to respond when asked if they wish to remain on the list. Plaintiffs have not brought a section 2 results claim, but only a discriminatory-purpose claim and an undue-burden claim. Our amicus brief focuses on the purpose claim and highlights the need for adequate allegations of invidious purpose, the presumption of legislative good faith, and the discovery burdens that await if the motion to dismiss is denied. We'd like to file this on Friday, so please let me know if you'd like to join by **noon (CT) on Friday, January 21**. Thank you! Beth Beth Klusmann Assistant Solicitor General Office: (512) 936-1914 Cell: (469) 585-7590
Attachments	AmicusBr_Circulate[12754].pdf

Record 672

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	RE: Job Service Representation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:52:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:52:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:52:58.000 AM

Body	Did you ever reach out to Nate regarding this conflict issue, or did you want me to? **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Thursday, October 28, 2021 6:21 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Job Service Representation Whether a conflict exists or not, he must run these by us per the terms of his SAAG agreement. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, October 27, 2021 2:39 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Job Service Representation FYI, see email below about implied tolerance of potential conflict of interest. How would you like me to respond? **From:** Nathan Svihovec <nsvihovec@zkslaw.com> **Sent:** Wednesday, October 27, 2021 2:16 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Lawrence King <LKing@zkslaw.com> **Subject:** RE: Job Service Representation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, I reviewed the cases in which I am adverse to a state agency in conjunction with the ethical rules and do not believe there is a conflict. At the time I was appointed as a SAAG to represent the N.D. State Board of Chiropractic Examiners, the firm already had existing matters adverse to state agencies. We also have other attorneys in the firm who are appointed as SAAGs. It was our understanding the Attorney General's Office had impliedly authorized our representation against state agencies given these designations with that knowledge. Given your raised concerns, however, please confirm the Office of Attorney General approves of our continued representation of certain state agencies as well as clients who have issues adverse to unrelated state agencies. Please include Lawrence King on any other concerns since he is the firm's managing partner and we have other SAAG designations here. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, October 26, 2021 4:15 PM **To:** Nathan Svihovec <nsvihovec@zkslaw.com> **Subject:** RE: Job Service Representation So, you have determined that your representation of Job Service is not a conflict of interest, or the appearance of a conflict? Matt **From:** Nathan Svihovec <nsvihovec@zkslaw.com> **Sent:** Tuesday, October 26, 2021 3:49 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Job Service Representation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hey Matt – yes, I am absolutely representing the NDSBCE in its disciplinary case against Dr. Schmitz. I also have a case or two representing clients in unrelated Job Service cases. Is that a concern? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, October 26, 2021 10:52 AM **To:** Nathan Svihovec <nsvihovec@zkslaw.com> **Subject:** Job Service Representation Nate, I was surprised to see your name on a Job Service pleading. You are still a SAAG and representing the Chiropractic Board, correct? Matt Matthew Sagsveen Solicitor General Director of Civil Litigation, Natural Resources, and Indian Affairs Division North Dakota Office of Attorney General 500 N. 9th Street Bismarck, ND 58501-4509 (701) 328-3640

Record 673

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	tseibel@nd.gov, wstenehjem@nd.gov
Subject	RE: Job Service Representation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:52:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:52:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:52:58.000 AM

Body	Did you ever reach out to Nate regarding this conflict issue, or did you want me to? **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Thursday, October 28, 2021 6:21 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Job Service Representation Whether a conflict exists or not, he must run these by us per the terms of his SAAG agreement. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, October 27, 2021 2:39 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Job Service Representation FYI, see email below about implied tolerance of potential conflict of interest. How would you like me to respond? **From:** Nathan Svihovec <nsvihovec@zkslaw.com> **Sent:** Wednesday, October 27, 2021 2:16 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Lawrence King <LKing@zkslaw.com> **Subject:** RE: Job Service Representation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, I reviewed the cases in which I am adverse to a state agency in conjunction with the ethical rules and do not believe there is a conflict. At the time I was appointed as a SAAG to represent the N.D. State Board of Chiropractic Examiners, the firm already had existing matters adverse to state agencies. We also have other attorneys in the firm who are appointed as SAAGs. It was our understanding the Attorney General's Office had impliedly authorized our representation against state agencies given these designations with that knowledge. Given your raised concerns, however, please confirm the Office of Attorney General approves of our continued representation of certain state agencies as well as clients who have issues adverse to unrelated state agencies. Please include Lawrence King on any other concerns since he is the firm's managing partner and we have other SAAG designations here. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, October 26, 2021 4:15 PM **To:** Nathan Svihovec <nsvihovec@zkslaw.com> **Subject:** RE: Job Service Representation So, you have determined that your representation of Job Service is not a conflict of interest, or the appearance of a conflict? Matt **From:** Nathan Svihovec <nsvihovec@zkslaw.com> **Sent:** Tuesday, October 26, 2021 3:49 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Job Service Representation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hey Matt – yes, I am absolutely representing the NDSBCE in its disciplinary case against Dr. Schmitz. I also have a case or two representing clients in unrelated Job Service cases. Is that a concern? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, October 26, 2021 10:52 AM **To:** Nathan Svihovec <nsvihovec@zkslaw.com> **Subject:** Job Service Representation Nate, I was surprised to see your name on a Job Service pleading. You are still a SAAG and representing the Chiropractic Board, correct? Matt Matthew Sagsveen Solicitor General Director of Civil Litigation, Natural Resources, and Indian Affairs Division North Dakota Office of Attorney General 500 N. 9th Street Bismarck, ND 58501-4509 (701) 328-3640

Record 674

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:09:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:09:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:09:02.000 AM

Body	Attached is a new amicus request regarding a brief written by Utah – response is due **January 26.** I don't have a strong opinion, but Parrell might. Here is a description: Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Thursday, January 20, 2022 6:56 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Epic v. Apple (9th Cir.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Office Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. If you are interested in joining or have any questions, please email melissaholyoak@agutah.gov by **COB January 26, 2022**. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov
CC	pgrossman@nd.gov
Attachments	15858.docx

Record 675

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:09:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:09:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:09:02.000 AM

Body	Attached is a new amicus request regarding a brief written by Utah – response is due **January 26.** I don't have a strong opinion, but Parrell might. Here is a description: Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Thursday, January 20, 2022 6:56 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Epic v. Apple (9th Cir.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Office Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. If you are interested in joining or have any questions, please email melissaholyoak@agutah.gov by **COB January 26, 2022**. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov
CC	pgrossman@nd.gov
Attachments	12495.docx

Record 676

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, pgrossman@nd.gov
Subject	FW: Google Street View Amicus Brief - 9th Circuit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:16:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:16:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:16:14.000 AM

Body	ND signed on to the merits brief in this case. There is another amicus opportunity here on rehearing. Deadline is tonight. **From:** Sawyer, Kate <Kate.Sawyer@azag.gov> **Sent:** Wednesday, January 19, 2022 10:01 PM **To:** Roysden, Beau <Beau.Roysden@azag.gov>; Patel, Keena <Keena.Patel@azag.gov> **Cc:** Catlett, Michael <Michael.Catlett@azag.gov> **Subject:** RE: Google Street View Amicus Brief - 9th Circuit ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Colleagues, Attached is a draft of the below mentioned brief, which we are still editing and finalizing. Much of this information was already in our coalition's earlier brief in this appeal. The brief is due tomorrow night. If you would like to continue to be a part of this coalition, please let us know by no later than **6 p.m. EST tomorrow (Thursday, 1/20)**. If we do not hear from you by that time, we will assume that you do not want to be included on this brief. As always, please feel free to reach out to us with any questions or suggestions. Best, Kate Sawyer Assistant Solicitor General Office of the Attorney General Solicitor General's Office 2005 N Central Ave, Phoenix, AZ 85004 Direct: 602-542-8304 Kate.Sawyer@azag.gov **From:** Sawyer, Kate **Sent:** Wednesday, January 12, 2022 10:02 AM **To:** Roysden, Beau <Beau.Roysden@azag.gov>; Patel, Keena <Keena.Patel@azag.gov> **Subject:** RE: Google Street View Amicus Brief - 9th Circuit Colleagues, The Ninth Circuit issued an opinion at the end of December affirming the class action settlement in *In Re Google Inc. Street View Electronic Communications Litigation* (opinion attached). Your AGs previously signed on to the amicus brief that we filed in the Ninth Circuit in August 2020 (also attached). As a reminder, this is a case where the settlement creates a $13 million cash fund, but the entire fund is being sent to class counsel, class representatives, and *cy pres* recipients. Additionally, the settlement's injunctive relief mirrored relief already obtained by 39 State AGs in 2013. Judge Bade wrote the opinion for the court, affirming the district court's order certifying the class, approving the settlement agreement, and awarding attorneys' fees. But Judge Bade also wrote a separate concurrence expressing general concerns about *cy pres* awards. The objector has filed a petition for rehearing and rehearing en banc (attached). We intend to file a short amicus brief in support of the petition. Our brief will focus on the importance of this issue, as evidenced by the Supreme Court granting a petition in a similar case a few years ago (in which they ultimately did not reach the merits). We will also include some of the language in our original brief about *cy pres* in class actions generally. The brief is due January 20th, but because of the quick turnaround, we may not be able to circulate until a day or two before and wanted to give you advance notice of the request to join. If you have any questions in the meantime, please feel free to reach out to me, Keena, or Beau. Best, Kate Sawyer Assistant Solicitor General Office of the Attorney General Solicitor General's Office 2005 N Central Ave, Phoenix, AZ 85004 Direct: 602-542-8304 Kate.Sawyer@azag.gov **From:** Sawyer, Kate **Sent:** Thursday, August 20, 2020 11:13 AM **To:** Sawyer, Kate <Kate.Sawyer@azag.gov> **Cc:** Skinner, OH <O.H.Skinner@azag.gov> **Subject:** Google Street View Amicus Brief - 9th Circuit Colleagues, Attached please find the as-filed Amicus Brief in the *Google Street View* class action matter in the 9th Circuit, which we filed last evening. As a reminder, this is a case where the settlement created a $13 million fund, but the entire fund is being sent to class counsel, class representatives, and *cy pres* recipients. And the settlement's injunctive relief mirrored relief already obtained by 39 State AGs in 2013. We are very happy to report that we ended up with a 13-state bipartisan coalition consisting of: **Arizona, Alabama, Alaska, Arkansas, Idaho, Indiana, Kansas, Louisiana, Missouri, Nevada, North Dakota, Ohio, and Oklahoma**. Thank you so much to each and every one of you for working alongside us on this brief; we know obtaining sign on can take a lot of work and effort. We will keep everyone appraised as things advance. Best, Kate Sawyer Assistant Solicitor General Appeals and Constitutional Litigation Division Office of the Attorney General 2005 N Central Ave, Phoenix, AZ 85004 Direct: 602-542-8304 Kate.Sawyer@azag.gov
Attachments	15857.docx, image002[15752].jpg

Record 677

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, pgrossman@nd.gov
Subject	FW: Google Street View Amicus Brief - 9th Circuit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:16:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:16:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:16:14.000 AM

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Attachments	12494.docx, image002[12392].jpg

Record 678

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Applicant that needs your review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:49:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:49:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:49:46.000 AM

Body	Wayne, I understand you are reluctant to hire someone for a civil litigation position if the person works in Fargo. What if the applicant also did some work for the State and Local Division and the University System, and civil litigation? Mary Kae and I could work out the details of the split. If you are interested in this idea we can pursue it further. Matt **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Tuesday, January 4, 2022 12:43 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: Applicant that needs your review *Would you like me to set up an interview with Joseph?* **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Tuesday, January 4, 2022 9:15 AM **To:** Thiel, Jolene J. <jthiel@nd.gov> **Subject:** Applicant that needs your review Dear Jolene Thiel, You have been asked to review the following applicant, Joseph Hackman, as a potential candidate for the job opening of 3019953, Assistant Attorney General. Please access the following page to view applicant attachments and to enter your response whether to invite the applicant for an interview. Route Response Regards, Ashley Eisenbeis Note: The applicant attachments sent in the email have been renamed.
CC	mkelsch@nd.gov
Attachments	Joseph_Hackman_Cover_Letters[15854].pdf, Joseph_Hackman_Professional_References[15856].pdf , Joseph_Hackman_Resume_3019953[15853].pdf, Joseph_Hackman_Transcripts[15855].pdf

Record 679

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	FW: Applicant that needs your review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:49:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:49:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:49:46.000 AM

Body	Wayne, I understand you are reluctant to hire someone for a civil litigation position if the person works in Fargo. What if the applicant also did some work for the State and Local Division and the University System, and civil litigation? Mary Kae and I could work out the details of the split. If you are interested in this idea we can pursue it further. Matt **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Tuesday, January 4, 2022 12:43 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: Applicant that needs your review *Would you like me to set up an interview with Joseph?* **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Tuesday, January 4, 2022 9:15 AM **To:** Thiel, Jolene J. <jthiel@nd.gov> **Subject:** Applicant that needs your review Dear Jolene Thiel, You have been asked to review the following applicant, Joseph Hackman, as a potential candidate for the job opening of 3019953, Assistant Attorney General. Please access the following page to view applicant attachments and to enter your response whether to invite the applicant for an interview. Route Response Regards, Ashley Eisenbeis Note: The applicant attachments sent in the email have been renamed.
CC	mkelsch@nd.gov
Attachments	Joseph_Hackman_Cover_Letters[12491].pdf, Joseph_Hackman_Professional_References[12493].pdf , Joseph_Hackman_Resume_3019953[12490].pdf, Joseph_Hackman_Transcripts[12492].pdf

Record 680

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: OSHA Vax Mandate withdrawn
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:10:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:10:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:10:37.000 PM

Body	FYI **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, January 25, 2022 9:50 AM **To:** 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** Appeals Unit <AppealsUnit@OhioAGO.gov> **Subject:** OSHA Vax Mandate withdrawn ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://public-inspection.federalregister.gov/2022-01532.pdf OSHA is withdrawing the Mandate. It is still taking comments on the ETS as a proposed final rule. I'm tempted to file a short motion asking the Sixth Circuit to vacate its stay-stage decision. Let me know if you have thoughts or concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

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Subject	FW: OSHA Vax Mandate withdrawn
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:10:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:10:36.000 PM
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Subject	FW: Bianchi v. Frosh - 21-902 - Cert Stage Amicus
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 7:14:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 7:14:05.000 PM
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Body

I have been wrapped upon in the abortion case, so I think I may have missed this one. Any thoughts on joining?

From: Roysden, Beau <Beau.Roysden@azag.gov>
Sent: Tuesday, January 25, 2022 5:52 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: lindsay.s.see@wvago.gov; Catlett, Michael <Michael.Catlett@azag.gov>; Sawyer, Kate <Kate.Sawyer@azag.gov>
Subject: FW: Bianchi v. Frosh - 21-902 - Cert Stage Amicus

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North Dakota friends,

I just wanted to let you know that we're up to 22 states and there may be a few more sign-ons tomorrow. If North Dakota would like to sign on, we can add you up to 11am ET tomorrow.

Sincerely,
Beau

From: Catlett, Michael <Michael.Catlett@azag.gov>
Sent: Tuesday, January 18, 2022 4:48 PM
To: 'elacour@ago.state.al.us'; 'krobertson@ago.state.al.us'; 'jessie.alloway@alaska.gov'; 'cori.mills@alaska.gov'; 'vincent.wagner@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'henry.whitaker@myfloridalegal.com'; 'daniel.bell@myfloridalegal.com'; 'christopher.baum@myfloridalegal.com'; 'rbergethon@law.ga.gov'; 'dwaldbeser@law.ga.gov'; 'apinson@law.ga.gov'; 'tjohnson@law.ga.gov'; 'spetrany@law.ga.gov'; 'brian.kane@ag.idaho.gov'; 'kimi.white@ag.idaho.gov'; 'tom.fisher@atg.in.gov'; 'julia.payne@atg.in.gov'; 'melinda.holmes@atg.in.gov'; 'jeff.chanay@ag.ks.gov'; 'brant.laue@ag.ks.gov'; Dunn, Barry (KYOAG); Kuhn, Matt F (KYOAG); Nolan, Brett R (KYOAG); 'murrillE@ag.louisiana.gov'; 'scott.stewart@ago.ms.gov'; 'justin.matheny@ago.ms.gov'; 'john.sauer@ago.mo.gov'; 'david.dewhirst@mt.gov'; 'dave.bydalek@nebraska.gov'; 'jim.campbell@nebraska.gov'; 'sean.gill@doj.nh.gov'; 'masagsve@nd.gov'; 'tseibel@nd.gov'; 'Higgins, Kevin A (LAW)'; 'benjamin.flowers@ohioattorneygeneral.gov'; 'mithun.mansinghani@oag.ok.gov'; 'thomashydrick@scag.gov'; 'esmith@scag.gov'; 'paul.swedlund@state.sd.us'; 'andree.blumstein@ag.tn.gov'; 'jonathan.skrmetti@ag.tn.gov'; 'sarah.campbell@ag.tn.gov'; 'brandon.smith@ag.tn.gov'; 'grant.dorfman@oag.texas.gov'; 'judd.stone@oag.texas.gov'; 'lanora.pettit@oag.texas.gov'; 'benjamin.wilson@oag.texas.gov'; 'melissaholyoak@agutah.gov'; 'ryan.schelhaas@wyo.gov'
Cc: Roysden, Beau; Anklam, Rachel; Mancuso, Sarah; Sawyer, Kate; Napolitano, Anthony; lindsay.s.see@wvago.gov; michael.r.williams@wvago.gov; 'Thomas T. Lampman'
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Friends,

As a follow-up to the email below about the attached amicus brief in *Bianchi v. Frosh*, the Court on Friday ordered a response to the petition, which gives us some additional time to file the brief. As a result, we are extending the deadline to join until **5:00 p.m. EST on January 24, 2021**. Nine states have already joined and we hope the additional time will result in others joining as well.

Best,

Mike

Body	**From:** Catlett, Michael **Sent:** Friday, January 14, 2022 1:16 PM **To:** Roysden, Beau <Beau.Roysden@azag.gov>; elacour@ago.state.al.us; krobertson@ago.state.al.us; jessie.alloway@alaska.gov; cori.mills@alaska.gov; vincent.wagner@arkansasag.gov; nicholas.bronni@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; christopher.baum@myfloridalegal.com; rbergethon@law.ga.gov; dwaldbeser@law.ga.gov; apinson@law.ga.gov; tjohnson@law.ga.gov; spetrany@law.ga.gov; brian.kane@ag.idaho.gov; kimi.white@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; melinda.holmes@atg.in.gov; jeff.chanay@ag.ks.gov; brant.laue@ag.ks.gov; barry.dunn@ky.gov; matt.kuhn@ky.gov; brett.nolan@ky.gov; murrillE@ag.louisiana.gov; scott.stewart@ago.ms.gov; justin.matheny@ago.ms.gov; justin.smith@ago.mo.gov ; john.sauer@ago.mo.gov; david.dewhirst@mt.gov; dave.bydalek@nebraska.gov; jim.campbell@nebraska.gov ; sean.gill@doj.nh.gov; masagsve@nd.gov; tseibel@nd.gov; 'Higgins, Kevin A (LAW)' < kevin.higgins@alaska.gov>; benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; thomashydrick@scag.gov; esmith@scag.gov; paul.swedlund@state.sd.us; andree.blumstein@ag.tn.gov; jonathan.skrmetti@ag.tn.gov; sarah.campbell@ag.tn.gov; brandon.smith@ag.tn.gov; grant.dorfman@oag.texas.gov; judd.stone@oag.texas.gov; lanora.pettit@oag.texas.gov; benjamin.wilson@oag.texas.gov; melissaholyoak@agutah.gov; 'ryan.schelhaas@wyo.gov' < ryan.schelhaas@wyo.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; lindsay.s.see@wvago.gov; Anklam, Rachel < Rachel.Anklam@azag.gov>; Mancuso, Sarah <Sarah.Mancuso@azag.gov>; Napolitano, Anthony < Anthony.Napolitano@azag.gov>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov> **Subject:** Bianchi v. Frosh - 21-902 - Cert Stage Amicus Friends, Attached is a draft of a cert-stage amicus brief from the perspective of states in Bianchi v. Frosh. The brief is a joint effort between West Virginia and Arizona. The issue that Petitioners ask the Court to hear is whether Maryland's ban on "assault weapons" commonly used by law-abiding citizens violates the Second Amendment. More specifically, the Maryland statute bans any semi-automatic centerfire rifle with a detachable magazine that has at least two of (1) a folding stock, (2) a grenade or flare launcher, or (3) a flash suppressor. The ban also specifically applies to a list of 45 enumerated rifle types. In both the district court and the Fourth Circuit, Petitioners conceded that their Second Amendment claim is foreclosed under the en banc Fourth Circuit's decision in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). That decision erroneously holds that any firearm that is "most useful in military service" falls outside the protections of the Second Amendment. The petition asks the Court to overrule *Kolbe* and adopt a categorical approach to the Second Amendment. Cooper and Kirk represents the Petitioners and their petition is attached. Given our printer deadline, if you could get us sign-ons by **11am ET on Wednesday 1/19**, we would appreciate it. Best, Mike Michael S. Catlett Deputy Solicitor General and Chief Counsel of Special Litigation Office of the Attorney General Solicitor General's Office 2005 N. Central Avenue Phoenix, AZ 85004 Phone: (602) 542-7751 Fax: (602) 542-8308 michael.catlett@azag.gov
Attachments	15844.pdf, 15843.docx, image001[15842].png

Record 683

Sender Name	Sagsveen, Matthew A.
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Recipients	wstenehjem@nd.gov
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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 7:14:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 7:14:05.000 PM
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Best,

Mike

Body	**From:** Catlett, Michael **Sent:** Friday, January 14, 2022 1:16 PM **To:** Roysden, Beau <Beau.Roysden@azag.gov>; elacour@ago.state.al.us; krobertson@ago.state.al.us; jessie.alloway@alaska.gov; cori.mills@alaska.gov; vincent.wagner@arkansasag.gov; nicholas.bronni@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; christopher.baum@myfloridalegal.com; rbergethon@law.ga.gov; dwaldbeser@law.ga.gov; apinson@law.ga.gov; tjohnson@law.ga.gov; spetrany@law.ga.gov; brian.kane@ag.idaho.gov; kimi.white@ag.idaho.gov; tom.fisher@atg.in.gov; julia.payne@atg.in.gov; melinda.holmes@atg.in.gov; jeff.chanay@ag.ks.gov; brant.laue@ag.ks.gov; barry.dunn@ky.gov; matt.kuhn@ky.gov; brett.nolan@ky.gov; murrillE@ag.louisiana.gov; scott.stewart@ago.ms.gov; justin.matheny@ago.ms.gov; justin.smith@ago.mo.gov ; john.sauer@ago.mo.gov; david.dewhirst@mt.gov; dave.bydalek@nebraska.gov; jim.campbell@nebraska.gov ; sean.gill@doj.nh.gov; masagsve@nd.gov; tseibel@nd.gov; 'Higgins, Kevin A (LAW)' < kevin.higgins@alaska.gov>; benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; thomashydrick@scag.gov; esmith@scag.gov; paul.swedlund@state.sd.us; andree.blumstein@ag.tn.gov; jonathan.skrmetti@ag.tn.gov; sarah.campbell@ag.tn.gov; brandon.smith@ag.tn.gov; grant.dorfman@oag.texas.gov; judd.stone@oag.texas.gov; lanora.pettit@oag.texas.gov; benjamin.wilson@oag.texas.gov; melissaholyoak@agutah.gov; 'ryan.schelhaas@wyo.gov' < ryan.schelhaas@wyo.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; lindsay.s.see@wvago.gov; Anklam, Rachel < Rachel.Anklam@azag.gov>; Mancuso, Sarah <Sarah.Mancuso@azag.gov>; Napolitano, Anthony < Anthony.Napolitano@azag.gov>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov> **Subject:** Bianchi v. Frosh - 21-902 - Cert Stage Amicus Friends, Attached is a draft of a cert-stage amicus brief from the perspective of states in Bianchi v. Frosh. The brief is a joint effort between West Virginia and Arizona. The issue that Petitioners ask the Court to hear is whether Maryland's ban on "assault weapons" commonly used by law-abiding citizens violates the Second Amendment. More specifically, the Maryland statute bans any semi-automatic centerfire rifle with a detachable magazine that has at least two of (1) a folding stock, (2) a grenade or flare launcher, or (3) a flash suppressor. The ban also specifically applies to a list of 45 enumerated rifle types. In both the district court and the Fourth Circuit, Petitioners conceded that their Second Amendment claim is foreclosed under the en banc Fourth Circuit's decision in *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). That decision erroneously holds that any firearm that is "most useful in military service" falls outside the protections of the Second Amendment. The petition asks the Court to overrule *Kolbe* and adopt a categorical approach to the Second Amendment. Cooper and Kirk represents the Petitioners and their petition is attached. Given our printer deadline, if you could get us sign-ons by **11am ET on Wednesday 1/19**, we would appreciate it. Best, Mike Michael S. Catlett Deputy Solicitor General and Chief Counsel of Special Litigation Office of the Attorney General Solicitor General's Office 2005 N. Central Avenue Phoenix, AZ 85004 Phone: (602) 542-7751 Fax: (602) 542-8308 michael.catlett@azag.gov
Attachments	12480.pdf, 12479.docx, image001[12476].png

Record 684

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	Interactions with a SAAG
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:08:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:08:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:08:44.000 PM
Body	Wayne, I have had some negative interactions with one of our SAAG's in the past few weeks that I would like to share with you. Please let me know when you are available to discuss. Matt
CC	ahicks@nd.gov, mkelsch@nd.gov

Record 685

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	Interactions with a SAAG
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:08:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:08:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 5:08:44.000 PM
Body	Wayne, I have had some negative interactions with one of our SAAG's in the past few weeks that I would like to share with you. Please let me know when you are available to discuss. Matt
CC	ahicks@nd.gov, mkelsch@nd.gov

Record 686

Sender Name	Sagsveen, Matthew A.
Sender Email	masagsve@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, mkelsch@nd.gov, ahicks@nd.gov
Subject	FW: Schmitz v. State Board of Chiropractic Examiners, Supreme Court No. 20210273, Schmitz v. State Board of Chiropractic Examiners
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:57:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:57:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:57:25.000 AM

Body	Wayne and Troy, I just want to make sure you are aware of this request from supplemental briefing from the Court – see below. It is probably unnecessary for the AG to file an amicus brief regarding this matter, but the issues considered by the court could definitely impact the Attorney General's administration of the open meetings law, and every single governing body's relationship with their attorney. Matt **From:** Hulm, Petra <PHulm@ndcourts.gov> **Sent:** Thursday, January 27, 2022 11:31 AM **To:** 'gmann@gbg-lawoffice.com' <gmann@gbg-lawoffice.com>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'nsvihovec@zkslaw.com' <nsvihovec@zkslaw.com> **Subject:** Schmitz v. State Board of Chiropractic Examiners, Supreme Court No. 20210273, Schmitz v. State Board of Chiropractic Examiners ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *SUPREME COURT OF NORTH DAKOTA* *OFFICE OF THE CLERK* *600 E Boulevard Avenue* *Bismarck, ND 58505-0530* *(701) 328-2221 (voice) (701) 328-4480 (fax)* *1-800-366-6888 (TTY)* *supclerkofcourt@ndcourts.gov* ***VIA E-MAIL ONLY*** January 27, 2022 Michael J. Geiermann 425 N. Fifth St. P.O. Box 2196 Bismarck, ND 58502-2196 Matthew Arnold Sagsveen Office of the Attorney General 500 N. Ninth St. Bismarck, ND 58501-4509 Nathan J. Svihovec 316 N. Fifth St. P.O. Box 1695 Bismarck ND 58502-1695 RE: Schmitz v. State Board of Chiropractic Examiners Supreme Court No. 20210135 Burleigh Co. No. 2020-CV-01829 Schmitz v. State Board of Chiropractic Examiners Supreme Court No. 20210273 Burleigh Co. No. 2020-CV-01827 The Court directed that supplemental briefs be filed in *Schmitz v. State Board of Chiropractic Examiners*, Supreme Court No. 20210273, which was argued on January 6, 2022. Briefs must be no more than 15 pages, are due February 4, 2022, and are limited to the following issues: 1. Is the definition for "attorney consultation" found in N.D.C.C. § 44-04-19.1(5) ambiguous? If so, what is the meaning and scope of "attorney consultation" in this case? 2. What is meant by the phrase "an adverse fiscal effect" in N.D.C.C. § 44-04-19.1(5)? 3. Does the phrase "which, if held in public, would have an adverse fiscal effect on the entity" modify the entire subsection in N.D.C.C. § 44-04-19.1(5)? Please be advised that these issues will be discussed at the February 8, 2022, oral argument in *Schmitz v. State Board of Chiropractic Examiners*, Supreme Court No. 20210135. Ten additional minutes will be provided to each party. The argument on the supplemental briefs will occur in the first 20 minutes, followed by argument in Supreme Court No. 20210135. Oral argument has been rescheduled to 2:45 on February 8, 2022, to allow for the additional time. Sincerely, /s/ Petra H. Mandigo Hulm Clerk North Dakota Supreme Court *This email and any transmitted files attached are intended solely for the use of the individual or entity to which they are addressed, and may be confidential under the law. If you have received this email in error please notify the originator of the message.*

Record 687

Sender Name	Melissa Holyoak
Sender Email	melissaholyoak@agutah.gov
Subject	RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 12:52:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 12:52:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 12:52:36.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello All, Attached are a redline and clean version of the ERISA comments letter with some revisions. Many thanks to Arkansas and Idaho for already joining! Please reach out with any questions/comments. Thanks! Melissa **From:** Melissa Holyoak **Sent:** Wednesday, December 8, 2021 4:58 PM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov> **Subject:** ERISA ESG Comment Letter -- Deadline 12/13 at 3 pm ET Hello All, Attached is a draft comments letter in response to a revised DOL rule regarding ERISA plan sponsors' obligations relating to ESG investments. The letter argues that these investments are often misleading and administratively costly and should not be encouraged. The administration also does not provide justification for departure from the current rules that went into effect early 2021. The current rules clarify that only pecuniary factors can be considered when investing. **I apologize for the short turnaround but we need joins by Monday December 13 at 6 pm ET.** Also, please note that we worked with our state Treasurer on this letter. He is circulating to treasurers from other states to see if they would like to add their signatures. We welcome any feedback and if you have any questions or concerns, please do not hesitate to contact me. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
CC	virginiabrooks@agutah.gov, aaronmwaite@agutah.gov, clesmes@agutah.gov
Attachments	16022.docx, 16023.docx

Record 688

Sender Name	Melissa Holyoak
Sender Email	melissaholyoak@agutah.gov
Subject	RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:14:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:14:11.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:14:30.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning everyone, Attached is a revised version of the comments letter that incorporates some helpful feedback from Louisiana and Texas. So far we have AGs and State Treasurers from the following states: Alabama, Arizona, Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, and Texas. **Deadline is today at 6 pm ET.** Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
CC	virginiabrooks@agutah.gov, aaronmwaite@agutah.gov
Attachments	14358.docx

Record 689

Sender Name	Melissa Holyoak
Sender Email	melissaholyoak@agutah.gov
Subject	RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:26:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:26:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:26:48.000 AM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Utah joins. Thanks Drew!

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, December 26, 2021 3:48 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; jeff.chanay <jeff.chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Beau.Roysden <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Ric Cantrell <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

Sincerely,

Drew

From: Ensign, Drew
Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov;

Body

Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsvc@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is a slightly updated version of the Fifth Circuit amicus brief for the Nasdaq/SEC Quota Rule challenge. So far Alaska, Arkansas, and Montana have joined.

Basically, the brief makes two points that are probably pretty uncontroversial for this group: (1) explicit race- and sex-based quotas are bad and violate the Constitution and (2) SEC cannot use a highly generalized and circumscribed grant of authority to intrude upon an area traditionally regulated by state law and in service of an agenda of restructuring society in the agency's own social-justice-minded image (while violating the Constitution in the process).

We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Please let us know if you have any questions or would like to discuss any of this.

Sincerely,
Drew

From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsvc@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here.

For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well.

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Body	Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rrantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021). https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 690

Sender Name	Melissa Holyoak
Sender Email	melissaholyoak@agutah.gov
Subject	RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:26:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:26:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:26:48.000 AM

Body

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Utah joins. Thanks Drew!

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, December 26, 2021 3:48 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; jeff.chanay <jeff.chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Beau.Roysden <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Ric Cantrell <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

Sincerely,

Drew

From: Ensign, Drew
Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov;

Body

Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsvc@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
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Hi all,

Attached is a slightly updated version of the Fifth Circuit amicus brief for the Nasdaq/SEC Quota Rule challenge. So far Alaska, Arkansas, and Montana have joined.

Basically, the brief makes two points that are probably pretty uncontroversial for this group: (1) explicit race- and sex-based quotas are bad and violate the Constitution and (2) SEC cannot use a highly generalized and circumscribed grant of authority to intrude upon an area traditionally regulated by state law and in service of an agenda of restructuring society in the agency's own social-justice-minded image (while violating the Constitution in the process).

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Sincerely,
Drew

From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsvc@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
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Record 691

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Recipients	Beth.Klusmann@oag.texas.gov, cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon @alaska.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@a rkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffr ey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBerge thon@LAW.GA.GOV, DWaldbeser@LAW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, ju lia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murri lle@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart @ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Anthony.J.Galdieri@d oj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorn eygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair @state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn. gov, rcantrell@agutah.gov, Lindsay.S.See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A. Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov, Edmund.LaCour@AlabamaAG.gov, a ferguson@oag.state.va.us
Subject	Re: Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:11:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:10:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:11:01.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Please add Utah. Thanks Beth! Get Outlook for iOS **From:** Beth Klusmann <Beth.Klusmann@oag.texas.gov> **Sent:** Friday, January 21, 2022 9:02:32 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; vincent.wagner@arkansasag.gov <vincent.wagner@arkansasag.gov>; dylan.jacobs@arkansasag.gov <dylan.jacobs@arkansasag.gov>; Henry.Whitaker@myfloridalegal.com <Henry.Whitaker@myfloridalegal.com>; James.Percival@myfloridalegal.com <James.Percival@myfloridalegal.com>; Jeffrey.DeSousa@myfloridalegal.com <Jeffrey.DeSousa@myfloridalegal.com>; Daniel.Bell@myfloridalegal.com <Daniel.Bell@myfloridalegal.com>; SPetrany@LAW.GA.GOV <SPetrany@LAW.GA.GOV>; RBergethon@LAW.GA.GOV <RBergethon@LAW.GA.GOV>; DWaldbeser@LAW.GA.GOV <DWaldbeser@LAW.GA.GOV>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; julia.payne@atg.in.gov <julia.payne@atg.in.gov>; jeff.chanay <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; murrille@ag.louisiana.gov <murrille@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Christian.Corrigan@mt.gov <Christian.Corrigan@mt.gov>; Brent.Mead2@mt.gov <Brent.Mead2@mt.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov <Benjamin.flowers@ohioattorneygeneral.gov>; May.Davis@ohioago.gov <May.Davis@ohioago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; ESmith@scag.gov <ESmith@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah.Campbell@ag.tn.gov <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; sarah.campbell@ag.tn.gov <sarah.campbell@ag.tn.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Ric Cantrell <rcantrell@agutah.gov>; Lindsay.S.See@wvago.gov <Lindsay.S.See@wvago.gov>; Thomas.T.Lampman@wvago.gov <Thomas.T.Lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; james.kaste@wyo.gov <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; aferguson@oag.state.va.us <aferguson@oag.state.va.us> **Cc:** Judd Stone <Judd.Stone@oag.texas.gov>; Drew.Ensign@azag.gov <Drew.Ensign@azag.gov>; Beau.Roysden <Beau.Roysden@azag.gov> **Subject:** RE: Draft States Amicus Brief - Mi Familia Vota v. 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Beth Beth Klusmann Assistant Solicitor General Office: (512) 936-1914 Cell: (469) 585-7590
CC	Judd.Stone@oag.texas.gov, Drew.Ensign@azag.gov, Beau.Roysden@azag.gov

Record 692

Sender Name	Melissa Holyoak
Sender Email	melissaholyoak@agutah.gov

Recipients	Beth.Klusmann@oag.texas.gov, cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon @alaska.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, dylan.jacobs@a rkansasag.gov, Henry.Whitaker@myfloridalegal.com, James.Percival@myfloridalegal.com, Jeffr ey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@LAW.GA.GOV, RBerge thon@LAW.GA.GOV, DWaldbeser@LAW.GA.GOV, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, ju lia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, murri lle@ag.louisiana.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart @ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Christian.Corrigan@mt.gov, Brent.Mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Anthony.J.Galdieri@d oj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorn eygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, ESmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair @state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn. gov, rcantrell@agutah.gov, Lindsay.S.See@wvago.gov, Thomas.T.Lampman@wvago.gov, Jessica.A. Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov, Edmund.LaCour@AlabamaAG.gov, a ferguson@oag.state.va.us
Subject	Re: Draft States Amicus Brief - Mi Familia Vota v. Hobbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:11:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:10:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:11:01.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Please add Utah. Thanks Beth! 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Beth Beth Klusmann Assistant Solicitor General Office: (512) 936-1914 Cell: (469) 585-7590
CC	Judd.Stone@oag.texas.gov, Drew.Ensign@azag.gov, Beau.Roysden@azag.gov

Record 693

Sender Name	Mark J. Hardy
Sender Email	MHardy@ndboard.pharmacy
Recipients	wstenehjem@nd.gov, jongodfread@nd.gov
Subject	Meeting based on health care committee meeting request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:07:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:07:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:07:54.000 AM

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CC	tseibel@nd.gov

Record 694

Sender Name	Mark J. Hardy
Sender Email	MHardy@ndboard.pharmacy
Recipients	wstenehjem@nd.gov, jongodfread@nd.gov
Subject	Meeting based on health care committee meeting request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:07:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:07:44.000 AM
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CC	tseibel@nd.gov

Record 695

Sender Name	Kelsch, Mary Kae M.
Sender Email	mkelsch@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	RE: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:17:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:17:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:17:17.000 AM
Body	This has been an issue for months. I've talked to this board member. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 9, 2021 10:25 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Fwd: open records question Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 9:50:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov

Record 696

Sender Name	Kelsch, Mary Kae M.
Sender Email	mkelsch@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:21:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:21:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:21:30.000 AM

Body	He was not a board member at the time of the executive session. The recording is exempt so it could be released to him if the board votes to release it to him. I believe he made a motion at a board meeting to listen to it and they voted NOT to release the recording to him. MK **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 10, 2021 8:19 AM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: open records question And.....? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Friday, December 10, 2021 8:17 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: open records question This has been an issue for months. I've talked to this board member. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 9, 2021 10:25 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Fwd: open records question Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 9:50:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov

Record 697

Sender Name	Kelsch, Mary Kae M.
Sender Email	mkelsch@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:36:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:36:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:36:22.000 PM
Body	What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt

Record 698

Sender Name	Kelsch, Mary Kae M.
Sender Email	mkelsch@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:36:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:36:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:36:22.000 PM
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Record 699

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	FIVE YEARS AFTER TAKING OFFICE, BURGUM AND SANFORD REFLECT ON STATE'S HISTORIC PROGRESS AN D CHALLENGES DURING 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:49:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:49:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:49:23.000 AM

Body

NEWS: FOR IMMEDIATE RELEASE

Five years after taking office, Burgum, Sanford reflect on stateâ€™s historic progress and challenges during 2021

Governor to deliver 2022 State of the State Address on Jan. 19 at NDSU

VIEW THIS RELEASE ONLINE: governor.ND.gov

BISMARCK, N.D. (DEC. 15, 2021) â€“ Gov. Doug Burgum and Lt. Gov. Brent Sanford today marked the fifth anniversary of being sworn into office, reflecting on a year filled with historic progress on infrastructure, workforce, economic development and other priorities, as well as major challenges including extreme drought conditions and the ongoing COVID-19 pandemic.

â€œAs always, North Dakotans have responded to this yearâ€™s unprecedented challenges with incredible strength and resiliency,â€ Burgum said. â€œOur administration continues to draw inspiration from the hardworking citizens of our great state as we strive to empower people, improve lives and inspire success.â€

In his January 2021 State of the State Address, Burgum called for bold action to move the state forward. He worked with the state Legislature to deliver a landmark $680 million bonding package to support infrastructure improvements across the state. The package includes flood control, roads, bridges, water projects and an agricultural products development center â€“ all with using Legacy Fund earnings and without raising taxes. The water project funding includes $435.5 million for the Fargo-Moorhead-West Fargo area flood diversion, $74.5 million for Mouse River Flood Control at Minot and a $50 million revolving loan fund for water projects.

As recommended in Burgumâ€™s Accelerate ND proposal, a special session of the Legislature in November also invested hundreds of millions of dollars of federal funding into infrastructure, including a proposed west-to-east natural gas pipeline to support communities and economic growth; workforce development including career centers where high school students can pursue high-demand careers; economic development programs and energy projects; and health care and behavioral health enhancements.

Burgum proposed and signed into law an income tax relief package that will provide an estimated $211 million in relief to approximately half a million North Dakotans in tax years 2021 and 2022. The governor also signed legislation eliminating the state income tax on Social Security income, making North Dakota the 38th state to eliminate the tax. As a result, approximately 20,000 North Dakotans will save an estimated $14.6 million per biennium.

The administration worked closely with stakeholders to usher in several of the largest economic development project announcements in state history, with a focus on diversifying the economy and adding value to the stateâ€™s raw commodities. The projects include ADMâ€™s plans to build a $350 million soybean crush and refinery in Spiritwood, N.D.; plans by Bakken Energy LLC and Mitsubishi Power Americas Inc. to establish a world-class clean hydrogen hub; and Cerilon Inc.â€™s plans to build a $2.8 billion gas-to-liquids complex in Williams County.

Sanford also spearheaded the administrationâ€™s efforts on the sale of Coal Creek Station, the stateâ€™s largest coal-fired power plant, to Rainbow Energy â€“ avoiding a shutdown of the plant, saving jobs and preserving baseload power generation.

Together, these projects will play a major role in North Dakotaâ€™s agriculture, energy and overall economic growth, along with efforts toward the governorâ€™s goal, announced in May, of making North Dakota the first carbon-neutral state by 2030.

Burgum also appointed several members to the governorâ€™s cabinet: Indian Affairs Commission Executive Director Nathan Davis, Department of Corrections and Rehabilitation Director Dave Krabbenhoft, Commerce Commissioner James Leiman, Parks and Recreation Director Cody Schulz, Department of Water Resources Director Andrea Travnicek, State Health Officer Dr. Nizar Wehbi, and Game and Fish Department Director Jeb Williams. Stacey Breuer also joined the cabinet as chief people officer.

Historic drought

- The governor declared a statewide drought disaster in early April, marking the second time in five years that North Dakota farmers and ranchers faced widespread extreme drought conditions that threatened crops, livestock herds and livelihoods.
- At the same time, Burgum, who chairs the State Water Commission, and Agriculture Commissioner Doug Goehring, also a member, announced the reactivation of the Drought Disaster Livestock Water Supply Project Assistance Program through the newly formed Department of Water Resources. So far, over $5.6 million in cost-share assistance has been approved for over 1,400 projects submitted by more than 1,000 unique applicants, with an average approval time of less than three days from application.
- Burgum also signed an executive order waiving hours of service for haulers of livestock, hay and water to help livestock producers battling extreme drought conditions across the state.
- With its partners at the North Dakota Forest Service and North Dakota National Guard, the Department of Emergency Services (DES) coordinated the response to significant wildland fire events, including an April 1 fire that encroached on Medora and prompted evacuations. Army National Guard Black Hawk helicopters supported local and regional firefighting efforts to save Medora by distributing water via 600-gallon water buckets.
- Local, tribal, state and federal agencies responded to two large wildfires from April 30 to May 2. The Roosevelt Creek Fire in the Little Missouri National Grassland, north of Medora, burned more than 4,600 acres, while another fire on the Fort Berthold Reservation, about six miles south of Mandaree, burned an estimated 9,800 acres.
- Total Army National Guard support, including to Mandaree, involved distributing over 108,000 gallons of water and eight Guard members working with the North Dakota Forest Service on the

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ground.

- As of Dec. 2, North Dakota had experienced more than 2,400 fires burning over 125,600 acres in 2021.
- As proposed in Accelerate ND, Burgum signed legislation providing funding to convert abandoned oil wells to permanent freshwater supply wells to enhance resiliency against drought conditions in western North Dakota. Itâ€™s estimated the $3.2 million appropriation will support the conversion of up to 16 wells.
- While serving and protecting citizens at home, DES also coordinated and resourced firefighting teams to provide aid to another state. A group of 15 firefighters from the Williston, Williston Rural, Bismarck Rural and Dickinson fire departments spent two weeks supporting Hurricane Ida recovery efforts in September along the Gulf Coast. This was after Burgum approved an Emergency Management Assistance Compact (EMAC) request from the state of Louisiana, allowing North Dakotaâ€™s firefighters to assist with fire suppression missions there.

COVID-19 pandemic response

- Since January 2021, more than 900,000 doses of the COVID-19 vaccine have been administered in North Dakota. The percentage of adults in the state with at least one dose is 60.7%, and more than 83% of those over age 65 have started their vaccine series.
- The North Dakota Department of Health (NDDoH) State Laboratory processed more than 692,497 tests, and its hotline responded to more than 93,000 citizen calls and 4,100 emails. The NDDoH developed the North Dakota COVID-19 Impact Wall to connect North Dakotans impacted by the disease.
- The NDDoH developed and updated communication channels for citizens, including website dashboards for COVID-19 cases and vaccine distribution, so citizens could quickly access data to make informed decisions about their health. The COVID-19 cases dashboard had more than 2 million page views this year, and the COVID-19 vaccine dashboard had more than 400,000 page views in this time frame.
- The pandemic has the North Dakota National Guard serving its longest domestic response in history â€“ 638 days and nearly 128,000 personnel days as of Monday. Guard members have administered testing, facilitated over 103,000 doses of vaccine, conducted traffic control, partnered with local and tribal health organizations, and transported test samples to the state lab, among other duties.
- The DES has coordinated the obligation of more than $126 million through the Federal Emergency Management Agencyâ€™s Public Assistance Program. The agency assisted eligible local, state, tribal and nonprofit organizations in submitting applications to reimburse costs for medical care, testing and vaccinations, as well as costs required to perform safe opening and operations.
- Job Service North Dakota provided vital economic support to the unemployed by injecting over $1.2 billion into the economy since the start of the pandemic. In a typical year, Job Service will pay between $80 million to $90 million to recipients during times of economic downturns, but payments to unemployed recipients in 2021 alone had already reached $362 million by early December.
- Security and medical team members from the Department of Corrections and Rehabilitation (DOCR) have cared for more than 950 residents diagnosed with COVID-19 at facilities across the state. Partnering with the NDDoH, DOCR team members offered extensive testing and monoclonal antibody treatments to provide excellent care on-site to prevent serious illness. Very few COVID-positive residents required hospitalization, minimizing the impact on already strained community medical resources.
- The Office of Management and Budget (OMB) helped develop the executive proposal for over $1 billion in federal American Rescue Plan Act (ARPA) investments; managed the distribution of over $25 million in ARPA funding to North Dakota cities; and managed the stateâ€™s reporting requirements for $1.25 billion in federal Coronavirus Relief Funds.
- Recognizing how employers play an essential role in healthy, vibrant communities, Job Service worked with policymakers to ensure that the Unemployment Insurance (UI) Trust Fund remained healthy and that employers were held harmless for UI benefit charges to their employees during 2020. As importantly, the steps taken ensured there were no unemployment tax rate increases for employers in 2021. By utilizing federal Cares Act dollars to strengthen the UI Trust Fund, it positioned the UI program to again hold rates flat in the upcoming 2022 calendar year.

In addition to addressing drought and COVID challenges, the administration continued to make progress on the governorâ€™s five strategic initiatives: Main Street Initiative, Behavioral Health and Addiction, Tribal Engagement, Transforming Education and Reinventing Government.

Main Street Initiative

- The Department of Commerce worked to increase infill and reduce property taxes by updating Renaissance Zones and working across state agencies to successfully stack and align state programs for mixed use and infill.
- North Dakota was one of only six states selected for the second phase of the National Governors Associationâ€™s Workforce Innovation Network, in which states will deploy cross-agency teams to identify and implement strategies that advance digital skill development and more equitable economic participation.
- Commerceâ€™s Workforce Division is implementing systematic changes with $20 million allocated to improve talent attraction efforts. One strategy launched in 2021 involves a national project with RoleCall to address workforce needs by helping to make North Dakota a national leader in talent attraction innovation and action.
- The Main Street ND Summit, held in West Fargo this year, featured a lineup of renowned speakers and community innovators on the topic of smart, efficient infrastructure. Videos of the keynotes, breakout sessions and Main Street Awards can be viewed here.

Body	• Due to the many workforce challenges facing North Dakota, Job Service took a strategic, targeted approach to a statewide campaign called #JOBUPND. The campaign utilized several online ad platforms generating over 3 million impressions with a 75% view rate. • Smart, efficient infrastructure is a pillar of the Main Street Initiative, and infrastructure is vital to North Dakotaâ€™s economy, commerce, agriculture, tourism and families. In 2021, the state of North Dakota made an unprecedented $2.3 billion dollar investment in infrastructure. • Recognizing the key role that parks play in creating healthy, vibrant communities, lawmakers approved and Burgum signed legislation during the special session investing $17.9 million in deferred maintenance and capital improvements at state parks, plus $5 million in matching funds to renovate and upgrade existing facilities in local park districts. The Legislature last spring also created a Challenge Grant for the Parks and Recreation Department to drive investment from the private and public sectors for parks. • Commerce, Job Service and the DOCR worked together on The Last Mile, a collaborative effort to provide instruction on front- and back-end website design to enable DOCR residents to be workforce ready in a highly technical field of coding and website design. • The Department of Water Resourcesâ€™ Cost-Share Program continued to advance critical water supply infrastructure in all areas of the state. For municipal water supply projects, $19.7 million was approved to benefit over 15,000 water users in communities of all sizes. Rural water systems received over $8 million for system expansions and improvements that will benefit over 20,000 water users. • The larger regional water supply systems, including the Western Area Water Supply, Red River Valley Water Supply, Southwest Pipeline Project, and Northwest Area Water Supply were approved for $93.6 million in state funding, and $20.4 million in federal Municipal, Rural and Industrial Water Supply Program funding. Combined, these four regional water supply systems will one day provide water service to 75% of North Dakotaâ€™s population. **Behavioral Health and Addiction** • More than 650 in-person attendees and over 3,000 online viewers participated in the fifth Recovery Reinvented, a daylong event in Bismarck focused on reinventing recovery through eliminating the stigma of addiction. The governor and First Lady Kathryn Burgum shared the results of the statewide North Dakota Addressing Addiction survey, which found stigma has been reduced over the last three years. • The Department of Human Services completed statewide implementation of a behavioral health crisis services response system that includes crisis line, mobile response and walk-in services at its eight human service centers. At the Life Skills and Transition Center in Grafton, the system was expanded with a specialized team who respond to people with developmental and intellectual disabilities in crisis so they can continue to live successfully in their communities. Crisis response services de-escalate situations and prevent law enforcement involvement and unnecessary emergency room visits. • Building on the success of the Free Through Recovery program, Human Services launched the Community Connect program, which provides community-based behavioral health services designed to assist individuals with care coordination, peer support and recovery services. • Human Services also implemented a Medicaid 1915(i) state plan amendment, which allows North Dakota Medicaid to pay for additional in-home and community-based services to support individuals with behavioral health conditions. Services include care coordination, benefits planning, nonmedical transportation, respite, supported education, supported employment, housing and peer support. • The DOCR partnered with Restoring Promise, an initiative of the Vera Institute of Justice, and MILPA, to create a housing unit at the State Penitentiary grounded in dignity for young adults in prison. Restoring Promise helps transform correctional culture through training, presentations, workshops and healing circles â€“ setting a new tone for the entire system. Young adults participate in meaningful daily activities, experience healing, cultivate an ideology of self-determination and restore relationships with family and community. Mentors over the age of 25 support them in their personal growth, and staff undergo intensive training to become agents of change within the system. • The Highway Patrol created a two-member crash assistance program that will provide enhanced services to victims of crashes, including providing information about understanding grief; reducing stress reactions after trauma; tools to process reactions to crisis and trauma; and information to support children as they process grief and trauma. **Tribal Engagement** • The North Dakota National Guard finished signing memorandums of agreement with all five tribal colleges in North Dakota to make the State Tuition Assistance program available to qualified student service members attending college. • Burgum signed legislation providing a framework for the state and the Mandan, Hidatsa and Arikara (MHA) Nation to share tax revenue from oil wells that straddle the boundary of the Fort Berthold Reservation, settling an unresolved issue from the stateâ€™s historic 2019 tax agreement with the MHA Nation. • The North Dakota Highway Patrol entered an agreement with the MHA Nation to enhance emergency response on the Fort Berthold Reservation. The agreement, signed by Burgum and MHA Chairman Mark Fox, allows the closest available peace officer to respond to an emergency call for service until the agency with primary jurisdiction arrives and assumes the lead. The agreement to allow mutual aid across reservation boundaries was made possible by legislation signed in 2019 and 2021. • Burgum also signed legislation to allow NDIT to enter into agreements with tribes and other government entities to assist with cybersecurity incident response, and to allow NDDOT to enter into agreements with tribal governments to assist with federally funded safety improvement projects on tribal-owned highways, streets, roads and bridges. • The Highway Patrol created and implemented a five-member criminal interdiction team that

Body	focuses on drug and human trafficking and other criminal activity occurring on roadways in the state. The team is tasked with working closely with tribal law enforcement to intercept illegal substances destined for North Dakota reservations. • A pilot program that aims to ensure all justice-involved, at-risk tribal and non-tribal youth have access to similar services was extended for two years. **Transforming Education** • Burgum signed â€œpathways to graduationâ€ legislation that capped a four-year collaborative effort to pave the way for authentic learning and flexibility in pathways for North Dakota students to achieve graduation. Creating personalized graduation pathways to complement the traditional credit-hour K-12 education system was the No. 1 recommendation from the Governorâ€™s Innovative Education Task Force created through executive order in 2017. • Burgum proposed and ultimately signed legislation providing $38 million to Bismarck State College to create the stateâ€™s first polytechnic institution. This new approach to higher education will equip students with the skills needed to fill in-demand careers throughout the state. • The North Dakota Information Technology (NDIT) Cybersecurity Team enhanced IT security services for the K-12 education community as part of the IT Shared Services/Unification initiative. This increased cybersecurity posture for the K-12 community sets the stage for better response planning and defense, and better security around school and student data. NDIT also expanded Extended Detection Response in schools, added protection to 10,000 Chromebooks, and provided Security User Awareness training to over 2,500 users. • NDIT also enabled a 24-hour service desk supported by live agents for all state agencies and school districts. In the past year, NDIT has processed an average of 12,000 incidents per month. By offering around-the-clock support, NDIT is better equipped to handle support queries more quickly while improving customer service and creating long-lasting relationships. **Reinventing Government** • The North Dakota Department of Transportation (NDDOT) increased driverâ€™s license and motor vehicle kiosks to 52 locations across North Dakota. Citizens are now able to print their motor vehicle tabs, renew or request a replacement license or ID card, schedule a road test, pay a reinstatement fee, change their address and edit donor registry information without visiting an office. The department also increased online appointments and reduced customer wait times for driverâ€™s license and motor vehicle services from nearly 30 minutes to less than 10 minutes. • The NDDOT also launched driverâ€™s license online knowledge tests, allowing North Dakotans an easy and convenient way to get their learnerâ€™s permit 24/7 from anywhere with internet access. • The Highway Patrolâ€™s unmanned aircraft systems (UAS) program became fully active in 2021 following several months of planning and officer training. The UAS program will provide enhanced crash reconstruction services and allow officers to assess dangerous incidents from a safe distance, such as fire hot spots, unknown package identification or quickly locating missing or dangerous individuals in rough terrain. • The DES completed a new streamlined system to provide a one-stop shop for energy industry producers, transporters and developers, as well as the public, to report hazardous material spills and releases instead of reporting spills to multiple state agencies. The reporting system, available at www.spill.nd.gov or by calling 1-833-99SPILL (1-833-997-7455), was supported by the Department of Environmental Quality, Department of Agriculture and the Industrial Commissionâ€™s Oil and Gas Division. • Wildfire response by the DES led to some dramatic improvements leveraging technology. One of those innovations was a GPS-configured wildland fire dashboard that provided leaders, planners and firefighters with better situational awareness. It was the first time data could be compiled through reports from local emergency managers and 9-1-1 calls, as well as historical data from the Integrated Reporting of Wildland-Fire Information (IRWIN) system used by fire departments. • The DES also initiated a program to augment the stateâ€™s firefighting capabilities and resources by creating a wildland task force for the state. The task force concept was adopted to allow local fire departments the ability to respond outside their jurisdictions, if needed. Departments that volunteer will coordinate directly with the Forest Service to preposition personnel and equipment for potential state wildfire suppression missions. • The North Dakota Game and Fish Department became the first state in the nation to allow electronic posting of private land with the passage of Senate Bill 2144. The bill gives landowners and hunters alike a convenient option for posting private land and checking its status for hunting, while also leaving the traditional physical posting process in place for those who wish to continue using it. • The Department of Human Services implemented the Safety Framework Practice model, which redesigned in-home child and family support services and foster care services to increase the number of children remaining safely in their homes. • Human Services also launched statewide centralized intake for child abuse and neglect reporting in January 2021. Overall, the number of children living in foster care has decreased in 2021. Efforts are underway to continue shifting resources to in-home services to support children and their families together. • The pandemicâ€™s challenges provided an opportunity for Job Service to reinvent how it ensures benefits are getting to those who need it and not to identity thieves and criminal enterprises. By implementing an industry-leading ID proofing/verification service and by expanding utilization of fraud detection data analytics, Job Service prevented over 8,000 fraudulent claims, which could have resulted in over $150 million in fraudulent payments. • The North Dakota Healthcare Directive Registry development by NDIT was completed and is available at https://apps.nd.gov/itd/nin/hdir/login. This system allows citizens to store, maintain and retrieve important health care documents, such as advance directive documents that are key when determining proper patient care. Users can share documents with providers and family as

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- Workforce Safety & Insurance (WSI) successfully deployed upgrades to its myWSI and CAPS systems, providing better customer experience for internal and external customers through automation of manual tasks and online accessibility.

- The Department of Water Resources expanded the utility and functionality of PRESENS (Pushing REmote SENSors), a real-time water level monitoring program. The program now has a much broader range of data collection opportunities to include soil moisture, soil temperature and precipitation measurements. This real-time data will assist with water management into the future and will be used for modeling efforts and analysis. The department deployed more than 220 PRESENS units at peak operation, and aims to grow that number to around 1,000 units in the coming years.

- The Securities Department completed two significant technology projects designed to improve efficiency and the service experience for constituents. A new case management system facilitates the timely, effective and impactful execution of examinations and investigations to support the departmentâ€™s mission of protecting investors. And the new ND Securities Filing Portal delivers a fully electronic filing experience for issuers of securities and other filers, while completing the departmentâ€™s conversion to electronic systems for all securities and investment industry filings, which totaled approximately 148,000 in the last fiscal year.

- Five state agencies â€" the NDDOT, Department of Water Resources, Department of Environmental Quality, Public Finance Authority and Bank of North Dakota â€" collaborated to create Funding for Infrastructure in North Dakota (FIND), a central hub for local governments to apply for infrastructure funding. With five different infrastructure funding programs in the state, knowing which fund to apply for and completing multiple applications was a strain for city and county staff, but FIND provides a one-stop shop for applications. The site was gradually rolled out starting in June and has already received 13 applications.

Citizen-focused agencies make progress

In addition, state agencies worked hard to deliver core services and improve outcomes in many areas:

- Human Services launched a new early childhood division to focus resources on school readiness; strong, stable families; and quality early childhood experiences. To date, the division has awarded federal grant dollars to 713 North Dakota child care programs for financial stabilization.

- Human Services worked with housing partners to implement the new, more comprehensive ND Rent Help program to support housing stability and financial stability and promote strong, stable families. In 2021, 3,295 renter households received emergency rent or utility assistance from ND Rent Help, and 1,095 unique housing providers and utility providers received direct payments from the program. Total assistance disbursed through Nov. 30, 2021, was $13,428,408.

- Human Services improved access to in-home and community-based long-term support services so that older adults and adults with physical disabilities who qualify for skilled nursing care can live at home if they choose. North Dakotans can easily apply online or by phone through the Aging and Disability Resource LINK (ADRL) to get connected to in-home services.

- Human Service provided all Supplemental Nutrition Assistance Program (SNAP) households with the maximum benefit amount for households their size. During 2021, approximately 17,800 North Dakota households benefited each month during the COVID-19 public health emergency.

- During the 67th Legislative Assembly, Burgum signed a bill to redesign the way nursing homes are paid by North Dakota Medicaid. Under this new payment system, nursing homes will be incentivized to provide cost-effective care and to renovate rather than build facilities. The new payment system will reduce overall expenses in the future, making it advantageous to taxpayers as well.

- In January 2021, Human Services assumed administration and operation of resettlement support services from contracted vendor Lutheran Social Services of North Dakota. Services help individuals adjust to life in North Dakota and become self-sufficient. The goal is to see New Americans accepted, integrated and supported as they add value to North Dakota and enrich the culture of their new communities. In 2021, 35 refugees resettled in North Dakota.

- The statewide cancer registry maintained by the NDDoH was recognized by the CDC as a â€œRegistry of Excellence.â€ For the period December 2020 through November 2021, Womenâ€™s Way screened 284 people for breast and/or cervical cancer. The program provides these important services to more than 70 women per month.

- The Women, Infants & Children (WIC) Program provided healthy food and support to more than 15,000 North Dakotans. The oral health program distributed 47,000 toothbrushes to 188 schools; 14 workplaces were designated as infant friendly, benefiting 3,821 employees; and the child passenger safety program launched new interactive maps and certified 67 technicians.

- The NDDoH distributed 1,560 state-of-the-art automated external defibrillators (AEDs) to law enforcement via a partnership with the Helmsley Charitable Trust. One of these AEDs was successfully deployed in August 2021 in Grand Forks and helped save a life.

- OMB launched Team ND Connect, a statewide intranet available to all state team members, and delivered Leadership Everywhere training to over 1,500 Team ND members. The agency also led a statewide change management initiative, launched a new website on the statewide platform and centralized certain printing and procurement services.

- Parks and Recreation began offering a new option for North Dakota State park annual permit holders. The family permit, authorized by the 67th Legislative Assembly, allows members of the same household to buy two annual permits at a discounted price of $55.

- The NDDOT finalized the long-range transportation plan, â€œTransportation Connection.â€ The 25-year plan helps identify future transportation needs in the state.

- The NDDOT and Parks and Recreation partnered to replace and install various signs to promote recreational opportunities across the state. The project is designed to increase visibility of state parks and help guide visitors to parks and recreational areas.

- Parks and Recreation also partnered with the State Historical Society to offer the North Dakota

Body	Passport. The goal is to help residents and out-of-state travelers make the most of their visits to recreational and historical sites throughout the state. The passport is an all-in-one guide to adventure as users collect stamps at 37 featured destinations, varying from state parks and recreation areas to state historic sites and museums. • North Dakotaâ€™s regulatory framework for geologic sequestration of carbon dioxide led the nation as the state Industrial Commission in October approved the first Class VI carbon capture and storage project under state primacy in North Dakota and in the United States. North Dakota was the first state to receive primacy of Class VI wells from the U.S. Environmental Protection Agency in 2018, followed only by Wyoming in 2020. • An exhibit featuring Dakota, a mummified hadrosaur, opened at the North Dakota Heritage Center with over 600 families and friends of paleontology at the grand opening in October. The new interactive exhibit includes a 3D print of Dakotaâ€™s mummified dinosaur skin and a large mural depicting what Dakota looked like when she roamed North Dakota. • Bank of North Dakota transferred the servicing of most of its residential loan portfolio to the North Dakota Housing Finance Agency, taking advantage of an opportunity to consolidate residential lending, streamline service to consumers and increase efficiency in state government. On April 1, BND discontinued its residential lending program by the end of the year. BNDâ€™s residential portfolio was just over $535 million on Dec. 31, 2020, compared to NDHFAâ€™s portfolio of $1.4 billion. • Game and Fish unveiled the Meadowlark Initiative, a statewide strategy that teams landowners, conservation groups, biologists and others to enhance, restore and sustain native grasslands in North Dakota. • The Heart River Correctional Center (HRCC) opened its doors to minimum custody women on June 15 in Mandan, the result of a team approach to ensure the facility was prepared for adult women. HRCC focuses on providing person-centered rehabilitative and recovery services in a safe, consistent and structured environment of support where women can develop lifelong skills and experience long-term success. • Burgum signed bipartisan legislation aimed at increasing access to services and improving outcomes for youth involved in the juvenile justice system. It was the first major overhaul of state law covering juvenile justice issues since 1969. • The North Dakota Department of Labor and Human Rights entered a space-sharing agreement with the Gaming Division of the Attorney Generalâ€™s Office to utilize office space and tax dollars effectively while continuing to work on a rotating remote basis and in a completely paperless system. • In just the past six months, the NDIT Cybersecurity Team has defended against 187 million threats that were prevented or detected; over 72 million vulnerability attacks that were blocked; and more than 7 million spam and phishing messages. • The Department of Financial Institutions (DFI) spent considerable efforts modernizing outdated laws affecting banks and credit unions and oversaw a 17% increase in financial service providers doing business in North Dakota, now licensing 8,300 entities. Banks and credit unions under DFIâ€™s supervision grew their assets by 18% to a total of $43 billion. • WSI reported that workplace injury rates have been reduced by 30% over the last decade, with a rate of 4.6 claims filed per 100 covered workers in 2021. The agency issued nearly $26 million in safety premium discounts to employers for successful participation in safety programs in fiscal year 2021. • North Dakota maintains one of the nation's highest drinking water compliance rates, with 99% of public water systems meeting all health-based standards overseen by the Department of Environmental Quality. The state also ranked No. 3 in cleanest air and water in US News and World Reportâ€™s Best States for Air and Water Quality. • The Happy Hooligans of the North Dakota Air National Guardâ€™s 119th Wing accepted the Air Force Outstanding Unit Award (AFOUA) for the 22nd time on March 6 and is among the most decorated Air National Guard wings in the nation. Burgum will deliver his 2022 State of the State Address at 10 a.m. Jan. 19 in Festival Concert Hall at the Reineke Fine Arts Center at North Dakota State University in Fargo. The address will be livestreamed from the Governorâ€™s Office website at www.governor.nd.gov. Census 2020 results released in April showed North Dakotaâ€™s population at a record high of 779,094, with a 15.8% growth rate that was the fourth-highest among states from 2010 to 2020. â€œWorking together, we are overcoming the challenges facing our state and emerging stronger than ever before,â€ Burgum said. â€“ # # # â€“ CONTACT: Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 600 E Boulevard Ave. Bismarck ND 58505-0001 PHONE 701.328.2200
Attachments	image001[14694].png, image002[14695].jpg, image003[14696].png, image004[14697].png, image005[14698].png, image006[14699].png

Record 700

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Five years after taking office, Burgum, Sanford reflect on stateâ€™s historic progress and challenges during 2021

Governor to deliver 2022 State of the State Address on Jan. 19 at NDSU

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BISMARCK, N.D. (DEC. 15, 2021) â€“ Gov. Doug Burgum and Lt. Gov. Brent Sanford today marked the fifth anniversary of being sworn into office, reflecting on a year filled with historic progress on infrastructure, workforce, economic development and other priorities, as well as major challenges including extreme drought conditions and the ongoing COVID-19 pandemic.

â€œAs always, North Dakotans have responded to this yearâ€™s unprecedented challenges with incredible strength and resiliency,â€ Burgum said. â€œOur administration continues to draw inspiration from the hardworking citizens of our great state as we strive to empower people, improve lives and inspire success.â€

In his January 2021 State of the State Address, Burgum called for bold action to move the state forward. He worked with the state Legislature to deliver a landmark $680 million bonding package to support infrastructure improvements across the state. The package includes flood control, roads, bridges, water projects and an agricultural products development center â€“ all with using Legacy Fund earnings and without raising taxes. The water project funding includes $435.5 million for the Fargo-Moorhead-West Fargo area flood diversion, $74.5 million for Mouse River Flood Control at Minot and a $50 million revolving loan fund for water projects.

As recommended in Burgumâ€™s Accelerate ND proposal, a special session of the Legislature in November also invested hundreds of millions of dollars of federal funding into infrastructure, including a proposed west-to-east natural gas pipeline to support communities and economic growth; workforce development including career centers where high school students can pursue high-demand careers; economic development programs and energy projects; and health care and behavioral health enhancements.

Burgum proposed and signed into law an income tax relief package that will provide an estimated $211 million in relief to approximately half a million North Dakotans in tax years 2021 and 2022. The governor also signed legislation eliminating the state income tax on Social Security income, making North Dakota the 38th state to eliminate the tax. As a result, approximately 20,000 North Dakotans will save an estimated $14.6 million per biennium.

The administration worked closely with stakeholders to usher in several of the largest economic development project announcements in state history, with a focus on diversifying the economy and adding value to the stateâ€™s raw commodities. The projects include ADMâ€™s plans to build a $350 million soybean crush and refinery in Spiritwood, N.D.; plans by Bakken Energy LLC and Mitsubishi Power Americas Inc. to establish a world-class clean hydrogen hub; and Cerilon Inc.â€™s plans to build a $2.8 billion gas-to-liquids complex in Williams County.

Sanford also spearheaded the administrationâ€™s efforts on the sale of Coal Creek Station, the stateâ€™s largest coal-fired power plant, to Rainbow Energy â€“ avoiding a shutdown of the plant, saving jobs and preserving baseload power generation.

Together, these projects will play a major role in North Dakotaâ€™s agriculture, energy and overall economic growth, along with efforts toward the governorâ€™s goal, announced in May, of making North Dakota the first carbon-neutral state by 2030.

Burgum also appointed several members to the governorâ€™s cabinet: Indian Affairs Commission Executive Director Nathan Davis, Department of Corrections and Rehabilitation Director Dave Krabbenhoft, Commerce Commissioner James Leiman, Parks and Recreation Director Cody Schulz, Department of Water Resources Director Andrea Travnicek, State Health Officer Dr. Nizar Wehbi, and Game and Fish Department Director Jeb Williams. Stacey Breuer also joined the cabinet as chief people officer.

Historic drought

- The governor declared a statewide drought disaster in early April, marking the second time in five years that North Dakota farmers and ranchers faced widespread extreme drought conditions that threatened crops, livestock herds and livelihoods.
- At the same time, Burgum, who chairs the State Water Commission, and Agriculture Commissioner Doug Goehring, also a member, announced the reactivation of the Drought Disaster Livestock Water Supply Project Assistance Program through the newly formed Department of Water Resources. So far, over $5.6 million in cost-share assistance has been approved for over 1,400 projects submitted by more than 1,000 unique applicants, with an average approval time of less than three days from application.
- Burgum also signed an executive order waiving hours of service for haulers of livestock, hay and water to help livestock producers battling extreme drought conditions across the state.
- With its partners at the North Dakota Forest Service and North Dakota National Guard, the Department of Emergency Services (DES) coordinated the response to significant wildland fire events, including an April 1 fire that encroached on Medora and prompted evacuations. Army National Guard Black Hawk helicopters supported local and regional firefighting efforts to save Medora by distributing water via 600-gallon water buckets.
- Local, tribal, state and federal agencies responded to two large wildfires from April 30 to May 2. The Roosevelt Creek Fire in the Little Missouri National Grassland, north of Medora, burned more than 4,600 acres, while another fire on the Fort Berthold Reservation, about six miles south of Mandaree, burned an estimated 9,800 acres.
- Total Army National Guard support, including to Mandaree, involved distributing over 108,000 gallons of water and eight Guard members working with the North Dakota Forest Service on the

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ground.

- As of Dec. 2, North Dakota had experienced more than 2,400 fires burning over 125,600 acres in 2021.
- As proposed in Accelerate ND, Burgum signed legislation providing funding to convert abandoned oil wells to permanent freshwater supply wells to enhance resiliency against drought conditions in western North Dakota. Itâ€™s estimated the $3.2 million appropriation will support the conversion of up to 16 wells.
- While serving and protecting citizens at home, DES also coordinated and resourced firefighting teams to provide aid to another state. A group of 15 firefighters from the Williston, Williston Rural, Bismarck Rural and Dickinson fire departments spent two weeks supporting Hurricane Ida recovery efforts in September along the Gulf Coast. This was after Burgum approved an Emergency Management Assistance Compact (EMAC) request from the state of Louisiana, allowing North Dakotaâ€™s firefighters to assist with fire suppression missions there.

COVID-19 pandemic response

- Since January 2021, more than 900,000 doses of the COVID-19 vaccine have been administered in North Dakota. The percentage of adults in the state with at least one dose is 60.7%, and more than 83% of those over age 65 have started their vaccine series.
- The North Dakota Department of Health (NDDoH) State Laboratory processed more than 692,497 tests, and its hotline responded to more than 93,000 citizen calls and 4,100 emails. The NDDoH developed the North Dakota COVID-19 Impact Wall to connect North Dakotans impacted by the disease.
- The NDDoH developed and updated communication channels for citizens, including website dashboards for COVID-19 cases and vaccine distribution, so citizens could quickly access data to make informed decisions about their health. The COVID-19 cases dashboard had more than 2 million page views this year, and the COVID-19 vaccine dashboard had more than 400,000 page views in this time frame.
- The pandemic has the North Dakota National Guard serving its longest domestic response in history â€“ 638 days and nearly 128,000 personnel days as of Monday. Guard members have administered testing, facilitated over 103,000 doses of vaccine, conducted traffic control, partnered with local and tribal health organizations, and transported test samples to the state lab, among other duties.
- The DES has coordinated the obligation of more than $126 million through the Federal Emergency Management Agencyâ€™s Public Assistance Program. The agency assisted eligible local, state, tribal and nonprofit organizations in submitting applications to reimburse costs for medical care, testing and vaccinations, as well as costs required to perform safe opening and operations.
- Job Service North Dakota provided vital economic support to the unemployed by injecting over $1.2 billion into the economy since the start of the pandemic. In a typical year, Job Service will pay between $80 million to $90 million to recipients during times of economic downturns, but payments to unemployed recipients in 2021 alone had already reached $362 million by early December.
- Security and medical team members from the Department of Corrections and Rehabilitation (DOCR) have cared for more than 950 residents diagnosed with COVID-19 at facilities across the state. Partnering with the NDDoH, DOCR team members offered extensive testing and monoclonal antibody treatments to provide excellent care on-site to prevent serious illness. Very few COVID-positive residents required hospitalization, minimizing the impact on already strained community medical resources.
- The Office of Management and Budget (OMB) helped develop the executive proposal for over $1 billion in federal American Rescue Plan Act (ARPA) investments; managed the distribution of over $25 million in ARPA funding to North Dakota cities; and managed the stateâ€™s reporting requirements for $1.25 billion in federal Coronavirus Relief Funds.
- Recognizing how employers play an essential role in healthy, vibrant communities, Job Service worked with policymakers to ensure that the Unemployment Insurance (UI) Trust Fund remained healthy and that employers were held harmless for UI benefit charges to their employees during 2020. As importantly, the steps taken ensured there were no unemployment tax rate increases for employers in 2021. By utilizing federal Cares Act dollars to strengthen the UI Trust Fund, it positioned the UI program to again hold rates flat in the upcoming 2022 calendar year.

In addition to addressing drought and COVID challenges, the administration continued to make progress on the governorâ€™s five strategic initiatives: Main Street Initiative, Behavioral Health and Addiction, Tribal Engagement, Transforming Education and Reinventing Government.

Main Street Initiative

- The Department of Commerce worked to increase infill and reduce property taxes by updating Renaissance Zones and working across state agencies to successfully stack and align state programs for mixed use and infill.
- North Dakota was one of only six states selected for the second phase of the National Governors Associationâ€™s Workforce Innovation Network, in which states will deploy cross-agency teams to identify and implement strategies that advance digital skill development and more equitable economic participation.
- Commerceâ€™s Workforce Division is implementing systematic changes with $20 million allocated to improve talent attraction efforts. One strategy launched in 2021 involves a national project with RoleCall to address workforce needs by helping to make North Dakota a national leader in talent attraction innovation and action.
- The Main Street ND Summit, held in West Fargo this year, featured a lineup of renowned speakers and community innovators on the topic of smart, efficient infrastructure. Videos of the keynotes, breakout sessions and Main Street Awards can be viewed here.

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The Legislature last spring also created a Challenge Grant for the Parks and Recreation Department to drive investment from the private and public sectors for parks. • Commerce, Job Service and the DOCR worked together on The Last Mile, a collaborative effort to provide instruction on front- and back-end website design to enable DOCR residents to be workforce ready in a highly technical field of coding and website design. • The Department of Water Resourcesâ€™ Cost-Share Program continued to advance critical water supply infrastructure in all areas of the state. For municipal water supply projects, $19.7 million was approved to benefit over 15,000 water users in communities of all sizes. Rural water systems received over $8 million for system expansions and improvements that will benefit over 20,000 water users. • The larger regional water supply systems, including the Western Area Water Supply, Red River Valley Water Supply, Southwest Pipeline Project, and Northwest Area Water Supply were approved for $93.6 million in state funding, and $20.4 million in federal Municipal, Rural and Industrial Water Supply Program funding. Combined, these four regional water supply systems will one day provide water service to 75% of North Dakotaâ€™s population. **Behavioral Health and Addiction** • More than 650 in-person attendees and over 3,000 online viewers participated in the fifth Recovery Reinvented, a daylong event in Bismarck focused on reinventing recovery through eliminating the stigma of addiction. The governor and First Lady Kathryn Burgum shared the results of the statewide North Dakota Addressing Addiction survey, which found stigma has been reduced over the last three years. • The Department of Human Services completed statewide implementation of a behavioral health crisis services response system that includes crisis line, mobile response and walk-in services at its eight human service centers. At the Life Skills and Transition Center in Grafton, the system was expanded with a specialized team who respond to people with developmental and intellectual disabilities in crisis so they can continue to live successfully in their communities. Crisis response services de-escalate situations and prevent law enforcement involvement and unnecessary emergency room visits. • Building on the success of the Free Through Recovery program, Human Services launched the Community Connect program, which provides community-based behavioral health services designed to assist individuals with care coordination, peer support and recovery services. • Human Services also implemented a Medicaid 1915(i) state plan amendment, which allows North Dakota Medicaid to pay for additional in-home and community-based services to support individuals with behavioral health conditions. Services include care coordination, benefits planning, nonmedical transportation, respite, supported education, supported employment, housing and peer support. • The DOCR partnered with Restoring Promise, an initiative of the Vera Institute of Justice, and MILPA, to create a housing unit at the State Penitentiary grounded in dignity for young adults in prison. Restoring Promise helps transform correctional culture through training, presentations, workshops and healing circles â€“ setting a new tone for the entire system. Young adults participate in meaningful daily activities, experience healing, cultivate an ideology of self-determination and restore relationships with family and community. Mentors over the age of 25 support them in their personal growth, and staff undergo intensive training to become agents of change within the system. • The Highway Patrol created a two-member crash assistance program that will provide enhanced services to victims of crashes, including providing information about understanding grief; reducing stress reactions after trauma; tools to process reactions to crisis and trauma; and information to support children as they process grief and trauma. **Tribal Engagement** • The North Dakota National Guard finished signing memorandums of agreement with all five tribal colleges in North Dakota to make the State Tuition Assistance program available to qualified student service members attending college. • Burgum signed legislation providing a framework for the state and the Mandan, Hidatsa and Arikara (MHA) Nation to share tax revenue from oil wells that straddle the boundary of the Fort Berthold Reservation, settling an unresolved issue from the stateâ€™s historic 2019 tax agreement with the MHA Nation. • The North Dakota Highway Patrol entered an agreement with the MHA Nation to enhance emergency response on the Fort Berthold Reservation. The agreement, signed by Burgum and MHA Chairman Mark Fox, allows the closest available peace officer to respond to an emergency call for service until the agency with primary jurisdiction arrives and assumes the lead. The agreement to allow mutual aid across reservation boundaries was made possible by legislation signed in 2019 and 2021. • Burgum also signed legislation to allow NDIT to enter into agreements with tribes and other government entities to assist with cybersecurity incident response, and to allow NDDOT to enter into agreements with tribal governments to assist with federally funded safety improvement projects on tribal-owned highways, streets, roads and bridges. • The Highway Patrol created and implemented a five-member criminal interdiction team that

Body	focuses on drug and human trafficking and other criminal activity occurring on roadways in the state. The team is tasked with working closely with tribal law enforcement to intercept illegal substances destined for North Dakota reservations. • A pilot program that aims to ensure all justice-involved, at-risk tribal and non-tribal youth have access to similar services was extended for two years. **Transforming Education** • Burgum signed â€œpathways to graduationâ€ legislation that capped a four-year collaborative effort to pave the way for authentic learning and flexibility in pathways for North Dakota students to achieve graduation. Creating personalized graduation pathways to complement the traditional credit-hour K-12 education system was the No. 1 recommendation from the Governorâ€™s Innovative Education Task Force created through executive order in 2017. • Burgum proposed and ultimately signed legislation providing $38 million to Bismarck State College to create the stateâ€™s first polytechnic institution. This new approach to higher education will equip students with the skills needed to fill in-demand careers throughout the state. • The North Dakota Information Technology (NDIT) Cybersecurity Team enhanced IT security services for the K-12 education community as part of the IT Shared Services/Unification initiative. This increased cybersecurity posture for the K-12 community sets the stage for better response planning and defense, and better security around school and student data. NDIT also expanded Extended Detection Response in schools, added protection to 10,000 Chromebooks, and provided Security User Awareness training to over 2,500 users. • NDIT also enabled a 24-hour service desk supported by live agents for all state agencies and school districts. In the past year, NDIT has processed an average of 12,000 incidents per month. By offering around-the-clock support, NDIT is better equipped to handle support queries more quickly while improving customer service and creating long-lasting relationships. **Reinventing Government** • The North Dakota Department of Transportation (NDDOT) increased driverâ€™s license and motor vehicle kiosks to 52 locations across North Dakota. Citizens are now able to print their motor vehicle tabs, renew or request a replacement license or ID card, schedule a road test, pay a reinstatement fee, change their address and edit donor registry information without visiting an office. The department also increased online appointments and reduced customer wait times for driverâ€™s license and motor vehicle services from nearly 30 minutes to less than 10 minutes. • The NDDOT also launched driverâ€™s license online knowledge tests, allowing North Dakotans an easy and convenient way to get their learnerâ€™s permit 24/7 from anywhere with internet access. • The Highway Patrolâ€™s unmanned aircraft systems (UAS) program became fully active in 2021 following several months of planning and officer training. The UAS program will provide enhanced crash reconstruction services and allow officers to assess dangerous incidents from a safe distance, such as fire hot spots, unknown package identification or quickly locating missing or dangerous individuals in rough terrain. • The DES completed a new streamlined system to provide a one-stop shop for energy industry producers, transporters and developers, as well as the public, to report hazardous material spills and releases instead of reporting spills to multiple state agencies. The reporting system, available at www.spill.nd.gov or by calling 1-833-99SPILL (1-833-997-7455), was supported by the Department of Environmental Quality, Department of Agriculture and the Industrial Commissionâ€™s Oil and Gas Division. • Wildfire response by the DES led to some dramatic improvements leveraging technology. One of those innovations was a GPS-configured wildland fire dashboard that provided leaders, planners and firefighters with better situational awareness. It was the first time data could be compiled through reports from local emergency managers and 9-1-1 calls, as well as historical data from the Integrated Reporting of Wildland-Fire Information (IRWIN) system used by fire departments. • The DES also initiated a program to augment the stateâ€™s firefighting capabilities and resources by creating a wildland task force for the state. The task force concept was adopted to allow local fire departments the ability to respond outside their jurisdictions, if needed. Departments that volunteer will coordinate directly with the Forest Service to preposition personnel and equipment for potential state wildfire suppression missions. • The North Dakota Game and Fish Department became the first state in the nation to allow electronic posting of private land with the passage of Senate Bill 2144. The bill gives landowners and hunters alike a convenient option for posting private land and checking its status for hunting, while also leaving the traditional physical posting process in place for those who wish to continue using it. • The Department of Human Services implemented the Safety Framework Practice model, which redesigned in-home child and family support services and foster care services to increase the number of children remaining safely in their homes. • Human Services also launched statewide centralized intake for child abuse and neglect reporting in January 2021. Overall, the number of children living in foster care has decreased in 2021. Efforts are underway to continue shifting resources to in-home services to support children and their families together. • The pandemicâ€™s challenges provided an opportunity for Job Service to reinvent how it ensures benefits are getting to those who need it and not to identity thieves and criminal enterprises. By implementing an industry-leading ID proofing/verification service and by expanding utilization of fraud detection data analytics, Job Service prevented over 8,000 fraudulent claims, which could have resulted in over $150 million in fraudulent payments. • The North Dakota Healthcare Directive Registry development by NDIT was completed and is available at https://apps.nd.gov/itd/nin/hdir/login. This system allows citizens to store, maintain and retrieve important health care documents, such as advance directive documents that are key when determining proper patient care. Users can share documents with providers and family as

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- Workforce Safety & Insurance (WSI) successfully deployed upgrades to its myWSI and CAPS systems, providing better customer experience for internal and external customers through automation of manual tasks and online accessibility.

- The Department of Water Resources expanded the utility and functionality of PRESENS (Pushing REmote SENSors), a real-time water level monitoring program. The program now has a much broader range of data collection opportunities to include soil moisture, soil temperature and precipitation measurements. This real-time data will assist with water management into the future and will be used for modeling efforts and analysis. The department deployed more than 220 PRESENS units at peak operation, and aims to grow that number to around 1,000 units in the coming years.

- The Securities Department completed two significant technology projects designed to improve efficiency and the service experience for constituents. A new case management system facilitates the timely, effective and impactful execution of examinations and investigations to support the departmentâ€™s mission of protecting investors. And the new ND Securities Filing Portal delivers a fully electronic filing experience for issuers of securities and other filers, while completing the departmentâ€™s conversion to electronic systems for all securities and investment industry filings, which totaled approximately 148,000 in the last fiscal year.

- Five state agencies â€" the NDDOT, Department of Water Resources, Department of Environmental Quality, Public Finance Authority and Bank of North Dakota â€" collaborated to create Funding for Infrastructure in North Dakota (FIND), a central hub for local governments to apply for infrastructure funding. With five different infrastructure funding programs in the state, knowing which fund to apply for and completing multiple applications was a strain for city and county staff, but FIND provides a one-stop shop for applications. The site was gradually rolled out starting in June and has already received 13 applications.

Citizen-focused agencies make progress

In addition, state agencies worked hard to deliver core services and improve outcomes in many areas:

- Human Services launched a new early childhood division to focus resources on school readiness; strong, stable families; and quality early childhood experiences. To date, the division has awarded federal grant dollars to 713 North Dakota child care programs for financial stabilization.

- Human Services worked with housing partners to implement the new, more comprehensive ND Rent Help program to support housing stability and financial stability and promote strong, stable families. In 2021, 3,295 renter households received emergency rent or utility assistance from ND Rent Help, and 1,095 unique housing providers and utility providers received direct payments from the program. Total assistance disbursed through Nov. 30, 2021, was $13,428,408.

- Human Services improved access to in-home and community-based long-term support services so that older adults and adults with physical disabilities who qualify for skilled nursing care can live at home if they choose. North Dakotans can easily apply online or by phone through the Aging and Disability Resource LINK (ADRL) to get connected to in-home services.

- Human Service provided all Supplemental Nutrition Assistance Program (SNAP) households with the maximum benefit amount for households their size. During 2021, approximately 17,800 North Dakota households benefited each month during the COVID-19 public health emergency.

- During the 67th Legislative Assembly, Burgum signed a bill to redesign the way nursing homes are paid by North Dakota Medicaid. Under this new payment system, nursing homes will be incentivized to provide cost-effective care and to renovate rather than build facilities. The new payment system will reduce overall expenses in the future, making it advantageous to taxpayers as well.

- In January 2021, Human Services assumed administration and operation of resettlement support services from contracted vendor Lutheran Social Services of North Dakota. Services help individuals adjust to life in North Dakota and become self-sufficient. The goal is to see New Americans accepted, integrated and supported as they add value to North Dakota and enrich the culture of their new communities. In 2021, 35 refugees resettled in North Dakota.

- The statewide cancer registry maintained by the NDDoH was recognized by the CDC as a â€œRegistry of Excellence.â€ For the period December 2020 through November 2021, Womenâ€™s Way screened 284 people for breast and/or cervical cancer. The program provides these important services to more than 70 women per month.

- The Women, Infants & Children (WIC) Program provided healthy food and support to more than 15,000 North Dakotans. The oral health program distributed 47,000 toothbrushes to 188 schools; 14 workplaces were designated as infant friendly, benefiting 3,821 employees; and the child passenger safety program launched new interactive maps and certified 67 technicians.

- The NDDoH distributed 1,560 state-of-the-art automated external defibrillators (AEDs) to law enforcement via a partnership with the Helmsley Charitable Trust. One of these AEDs was successfully deployed in August 2021 in Grand Forks and helped save a life.

- OMB launched Team ND Connect, a statewide intranet available to all state team members, and delivered Leadership Everywhere training to over 1,500 Team ND members. The agency also led a statewide change management initiative, launched a new website on the statewide platform and centralized certain printing and procurement services.

- Parks and Recreation began offering a new option for North Dakota State park annual permit holders. The family permit, authorized by the 67th Legislative Assembly, allows members of the same household to buy two annual permits at a discounted price of $55.

- The NDDOT finalized the long-range transportation plan, â€œTransportation Connection.â€ The 25-year plan helps identify future transportation needs in the state.

- The NDDOT and Parks and Recreation partnered to replace and install various signs to promote recreational opportunities across the state. The project is designed to increase visibility of state parks and help guide visitors to parks and recreational areas.

- Parks and Recreation also partnered with the State Historical Society to offer the North Dakota

Body	Passport. The goal is to help residents and out-of-state travelers make the most of their visits to recreational and historical sites throughout the state. The passport is an all-in-one guide to adventure as users collect stamps at 37 featured destinations, varying from state parks and recreation areas to state historic sites and museums. • North Dakotaâ€™s regulatory framework for geologic sequestration of carbon dioxide led the nation as the state Industrial Commission in October approved the first Class VI carbon capture and storage project under state primacy in North Dakota and in the United States. North Dakota was the first state to receive primacy of Class VI wells from the U.S. Environmental Protection Agency in 2018, followed only by Wyoming in 2020. • An exhibit featuring Dakota, a mummified hadrosaur, opened at the North Dakota Heritage Center with over 600 families and friends of paleontology at the grand opening in October. The new interactive exhibit includes a 3D print of Dakotaâ€™s mummified dinosaur skin and a large mural depicting what Dakota looked like when she roamed North Dakota. • Bank of North Dakota transferred the servicing of most of its residential loan portfolio to the North Dakota Housing Finance Agency, taking advantage of an opportunity to consolidate residential lending, streamline service to consumers and increase efficiency in state government. On April 1, BND discontinued its residential lending program by the end of the year. BNDâ€™s residential portfolio was just over $535 million on Dec. 31, 2020, compared to NDHFAâ€™s portfolio of $1.4 billion. • Game and Fish unveiled the Meadowlark Initiative, a statewide strategy that teams landowners, conservation groups, biologists and others to enhance, restore and sustain native grasslands in North Dakota. • The Heart River Correctional Center (HRCC) opened its doors to minimum custody women on June 15 in Mandan, the result of a team approach to ensure the facility was prepared for adult women. HRCC focuses on providing person-centered rehabilitative and recovery services in a safe, consistent and structured environment of support where women can develop lifelong skills and experience long-term success. • Burgum signed bipartisan legislation aimed at increasing access to services and improving outcomes for youth involved in the juvenile justice system. It was the first major overhaul of state law covering juvenile justice issues since 1969. • The North Dakota Department of Labor and Human Rights entered a space-sharing agreement with the Gaming Division of the Attorney Generalâ€™s Office to utilize office space and tax dollars effectively while continuing to work on a rotating remote basis and in a completely paperless system. • In just the past six months, the NDIT Cybersecurity Team has defended against 187 million threats that were prevented or detected; over 72 million vulnerability attacks that were blocked; and more than 7 million spam and phishing messages. • The Department of Financial Institutions (DFI) spent considerable efforts modernizing outdated laws affecting banks and credit unions and oversaw a 17% increase in financial service providers doing business in North Dakota, now licensing 8,300 entities. Banks and credit unions under DFIâ€™s supervision grew their assets by 18% to a total of $43 billion. • WSI reported that workplace injury rates have been reduced by 30% over the last decade, with a rate of 4.6 claims filed per 100 covered workers in 2021. The agency issued nearly $26 million in safety premium discounts to employers for successful participation in safety programs in fiscal year 2021. • North Dakota maintains one of the nation's highest drinking water compliance rates, with 99% of public water systems meeting all health-based standards overseen by the Department of Environmental Quality. The state also ranked No. 3 in cleanest air and water in US News and World Reportâ€™s Best States for Air and Water Quality. • The Happy Hooligans of the North Dakota Air National Guardâ€™s 119th Wing accepted the Air Force Outstanding Unit Award (AFOUA) for the 22nd time on March 6 and is among the most decorated Air National Guard wings in the nation. Burgum will deliver his 2022 State of the State Address at 10 a.m. Jan. 19 in Festival Concert Hall at the Reineke Fine Arts Center at North Dakota State University in Fargo. The address will be livestreamed from the Governorâ€™s Office website at www.governor.nd.gov. Census 2020 results released in April showed North Dakotaâ€™s population at a record high of 779,094, with a 15.8% growth rate that was the fourth-highest among states from 2010 to 2020. â€œWorking together, we are overcoming the challenges facing our state and emerging stronger than ever before,â€ Burgum said. â€“ # # # â€“ CONTACT: Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 600 E Boulevard Ave. Bismarck ND 58505-0001 PHONE 701.328.2200
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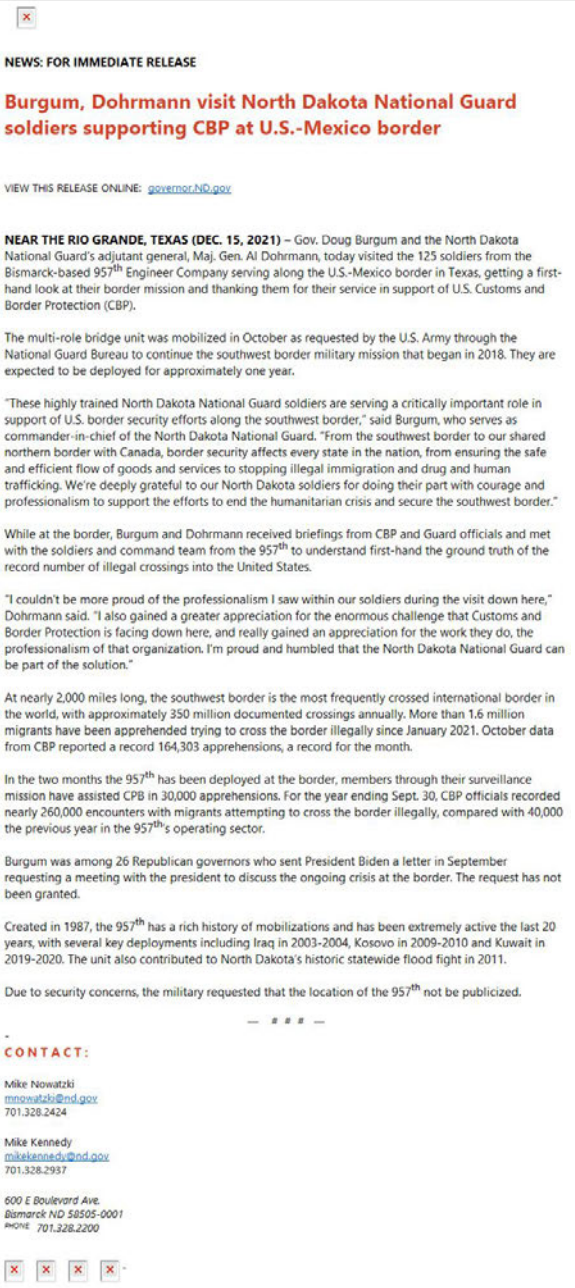
Body	NEWS: FOR IMMEDIATE RELEASE **Burgum, Dohrmann visit North Dakota National Guard soldiers supporting CBP at U.S.-Mexico border** VIEW THIS RELEASE ONLINE: governor.ND.gov **NEAR THE RIO GRANDE, TEXAS (DEC. 15, 2021)** – Gov. Doug Burgum and the North Dakota National Guard's adjutant general, Maj. Gen. Al Dohrmann, today visited the 125 soldiers from the Bismarck-based 957th Engineer Company serving along the U.S.-Mexico border in Texas, getting a first-hand look at their border mission and thanking them for their service in support of U.S. Customs and Border Protection (CBP). The multi-role bridge unit was mobilized in October as requested by the U.S. Army through the National Guard Bureau to continue the southwest border military mission that began in 2018. They are expected to be deployed for approximately one year. "These highly trained North Dakota National Guard soldiers are serving a critically important role in support of U.S. border security efforts along the southwest border," said Burgum, who serves as commander-in-chief of the North Dakota National Guard. "From the southwest border to our shared northern border with Canada, border security affects every state in the nation, from ensuring the safe and efficient flow of goods and services to stopping illegal immigration and drug and human trafficking. We're deeply grateful to our North Dakota soldiers for doing their part with courage and professionalism to support the efforts to end the humanitarian crisis and secure the southwest border." While at the border, Burgum and Dohrmann received briefings from CBP and Guard officials and met with the soldiers and command team from the 957th to understand first-hand the ground truth of the record number of illegal crossings into the United States. "I couldn't be more proud of the professionalism I saw within our soldiers during the visit down here," Dohrmann said. "I also gained a greater appreciation for the enormous challenge that Customs and Border Protection is facing down here, and really gained an appreciation for the work they do, the professionalism of that organization. I'm proud and humbled that the North Dakota National Guard can be part of the solution." At nearly 2,000 miles long, the southwest border is the most frequently crossed international border in the world, with approximately 350 million documented crossings annually. More than 1.6 million migrants have been apprehended trying to cross the border illegally since January 2021. October data from CBP reported a record 164,303 apprehensions, a record for the month. In the two months the 957th has been deployed at the border, members through their surveillance mission have assisted CPB in 30,000 apprehensions. For the year ending Sept. 30, CBP officials recorded nearly 260,000 encounters with migrants attempting to cross the border illegally, compared with 40,000 the previous year in the 957th's operating sector. Burgum was among 26 Republican governors who sent President Biden a letter in September requesting a meeting with the president to discuss the ongoing crisis at the border. The request has not been granted. Created in 1987, the 957th has a rich history of mobilizations and has been extremely active the last 20 years, with several key deployments including Iraq in 2003-2004, Kosovo in 2009-2010 and Kuwait in 2019-2020. The unit also contributed to North Dakota's historic statewide flood fight in 2011. Due to security concerns, the military requested that the location of the 957th not be publicized. — # # # — CONTACT: Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200*
Attachments	BU6A4880[15993].JPG, BU6A4924[15991].JPG, image001[14730].png, image011[14734].jpg, image012[14735].png, image013[14736].png, image014[14737].png, image015[14738].png, IMG_8183[15992].jpg

Record 702

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM, DOHRMANN VISIT ND NATIONAL GUARD SOLDIERS SUPPORTING CBP AT U.S.-MEXICO BORDER
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:55:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:55:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:55:50.000 PM

Body	
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NEWS: FOR IMMEDIATE RELEASE

Burgum, Dohrmann visit North Dakota National Guard soldiers supporting CBP at U.S.-Mexico border

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— # # # —

CONTACT:

Mike Nowatzki
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Mike Kennedy
mikekennedy@nd.gov
701.328.2937

600 E Boulevard Ave.
Bismarck ND 58505-0001
PHONE 701.328.2200

Record 703

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	UPDATED w/PHOTOS AND VIDEO: BURGUM, DOHRMANN VISIT ND NATIONAL GUARD SOLDIERS SUPPORTING C BP AT U.S.-MEXICO BORDER
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:26:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:26:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:26:49.000 AM

Body

NEWS: FOR IMMEDIATE RELEASE

UPDATED w/PHOTOS AND VIDEO: Burgum, Dohrmann visit North Dakota National Guard soldiers supporting CBP at U.S.-Mexico border

VIEW THIS RELEASE ONLINE: governor.ND.gov

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FOR VIDEOS OF GOV. BURGUM, CLICK HERE AND HERE

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Attachments	image001[14739].png, image002[14740].jpg, image003[14741].png, image004[14742].png, image005[14743].png, image006[14744].png

Record 704

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	UPDATED w/PHOTOS AND VIDEO: BURGUM, DOHRMANN VISIT ND NATIONAL GUARD SOLDIERS SUPPORTING C BP AT U.S.-MEXICO BORDER
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:26:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:26:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 1:26:49.000 AM

Body

NEWS: FOR IMMEDIATE RELEASE

UPDATED w/PHOTOS AND VIDEO: Burgum, Dohrmann visit North Dakota National Guard soldiers supporting CBP at U.S.-Mexico border

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FOR VIDEOS OF GOV. BURGUM, CLICK HERE AND HERE

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Attachments	image001[11281].png, image002[11282].jpg, image003[11283].png, image004[11284].png, image005[11285].png, image006[11286].png

Record 705

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:30:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:30:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:30:24.000 AM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum releases statement on Attorney General Wayne Stenehjem not seeking re-election in 2022** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (DEC. 17, 2021)** – Gov. Doug Burgum released the following statement after North Dakota Attorney General Wayne Stenehjem announced today he will not seek re-election in 2022. Stenehjem is the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th attorney general in 2000 and was re-elected in 2004, 2006, 2010, 2014 and 2018. Stenehjem also served in the North Dakota Legislature for 24 years, including four years in the House and 20 years in the Senate, where he was chair of the Senate Judiciary Committee from 1995-2000. "Wayne Stenehjem is the epitome of a dedicated public servant. We are deeply grateful for his more than four decades of exemplary service to the State of North Dakota, both as a legislator and attorney general, a position he held longer than his three predecessors combined," Burgum said. "As the state's top law enforcement officer for more than 20 years, Wayne's chief concern has always been the safety and well-being of North Dakota citizens, and our state is a better place because of his devoted service. We very much look forward to partnering with him on important initiatives during his remaining time in office to keep our state moving forward." — # # # — - **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200* -
Attachments	image001[14800].png, image002[14801].jpg, image003[14802].png, image004[14803].png, image005[14804].png, image006[14805].png

Record 706

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:30:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:30:18.000 AM
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Attachments	image001[11337].png, image002[11338].jpg, image003[11339].png, image004[11340].png, image005[11341].png, image006[11342].png

Record 707

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:52:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:52:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:52:24.000 PM

Body	You're welcome, those words are well-deserved. After five years in state government, I can't imagine the dedication it must take to serve 45 years, so much respect and many thanks to you. Best, Mike **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 11:32 AM **To:** Nowatzki, Mike <mnowatzki@nd.gov> **Subject:** RE: BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022 Thanks so much, Mike. This means a lot. Wayne **From:** Nowatzki, Mike <mnowatzki@nd.gov> **Sent:** Friday, December 17, 2021 11:30 AM **To:** Nowatzki, Mike <mnowatzki@nd.gov> **Subject:** BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022 **NEWS: FOR IMMEDIATE RELEASE** **Burgum releases statement on Attorney General Wayne Stenehjem not seeking re-election in 2022** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (DEC. 17, 2021)** – Gov. Doug Burgum released the following statement after North Dakota Attorney General Wayne Stenehjem announced today he will not seek re-election in 2022. Stenehjem is the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th attorney general in 2000 and was re-elected in 2004, 2006, 2010, 2014 and 2018. Stenehjem also served in the North Dakota Legislature for 24 years, including four years in the House and 20 years in the Senate, where he was chair of the Senate Judiciary Committee from 1995-2000. "Wayne Stenehjem is the epitome of a dedicated public servant. We are deeply grateful for his more than four decades of exemplary service to the State of North Dakota, both as a legislator and attorney general, a position he held longer than his three predecessors combined," Burgum said. "As the state's top law enforcement officer for more than 20 years, Wayne's chief concern has always been the safety and well-being of North Dakota citizens, and our state is a better place because of his devoted service. We very much look forward to partnering with him on important initiatives during his remaining time in office to keep our state moving forward." — # # # — - CONTACT: Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* PHONE *701.328.2200* -
Attachments	image001[14815].png, image003[14816].jpg, image004[14817].png, image005[14818].png, image006[14819].png, image007[14820].png

Record 708

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:52:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:52:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:52:24.000 PM

Body	You're welcome, those words are well-deserved. After five years in state government, I can't imagine the dedication it must take to serve 45 years, so much respect and many thanks to you. Best, Mike **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 11:32 AM **To:** Nowatzki, Mike <mnowatzki@nd.gov> **Subject:** RE: BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022 Thanks so much, Mike. This means a lot. Wayne **From:** Nowatzki, Mike <mnowatzki@nd.gov> **Sent:** Friday, December 17, 2021 11:30 AM **To:** Nowatzki, Mike <mnowatzki@nd.gov> **Subject:** BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022 **NEWS: FOR IMMEDIATE RELEASE** **Burgum releases statement on Attorney General Wayne Stenehjem not seeking re-election in 2022** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (DEC. 17, 2021)** – Gov. Doug Burgum released the following statement after North Dakota Attorney General Wayne Stenehjem announced today he will not seek re-election in 2022. Stenehjem is the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th attorney general in 2000 and was re-elected in 2004, 2006, 2010, 2014 and 2018. Stenehjem also served in the North Dakota Legislature for 24 years, including four years in the House and 20 years in the Senate, where he was chair of the Senate Judiciary Committee from 1995-2000. "Wayne Stenehjem is the epitome of a dedicated public servant. We are deeply grateful for his more than four decades of exemplary service to the State of North Dakota, both as a legislator and attorney general, a position he held longer than his three predecessors combined," Burgum said. "As the state's top law enforcement officer for more than 20 years, Wayne's chief concern has always been the safety and well-being of North Dakota citizens, and our state is a better place because of his devoted service. We very much look forward to partnering with him on important initiatives during his remaining time in office to keep our state moving forward." — # # # — - CONTACT: Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* PHONE *701.328.2200* -
Attachments	image001[11352].png, image003[11353].jpg, image004[11354].png, image005[11355].png, image006[11356].png, image007[11357].png

Record 709

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM -- SALE OF COAL CREEK STATION TO RAINBOW ENERGY CLEARS FINAL REGULATORY HURDLE WITH APPROVAL OF TRANSMISSION LINE PERMIT TRANSFER
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:26:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:26:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:26:37.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum: Sale of Coal Creek to Rainbow Energy clears final regulatory hurdle with transmission line transfer** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 6, 2022)** – Gov. Doug Burgum released the following statement today after the sale of Coal Creek Station to Rainbow Energy Center LLC cleared its final regulatory hurdle. The Minnesota Public Utilities Commission today unanimously approved the transfer of Coal Creek Station's high-voltage direct current transmission line from Great River Energy (GRE) to Nexus Line LLC, a subsidiary of Rainbow Energy Center LLC. Rainbow Energy Center and Nexus Line are both affiliates of Bismarck-based Rainbow Energy Marketing Corp. "This approval is a momentous step toward Rainbow Energy taking ownership of Coal Creek Station and providing a long-term future for the power plant, its workers and the communities supported by the hundreds of jobs at Coal Creek and the nearby Falkirk Mine," Burgum said. "It also offers North Dakota the opportunity to further prove that we can be a national and world leader in carbon capture, storage and utilization through our continued focus on innovation over regulation. Preserving the baseload generation that Coal Creek provides is critical to U.S. energy security and maintaining a strong regional power grid, and we're grateful to the industry, the state Legislature and our congressional delegation for their collaboration on ensuring a viable future for North Dakota's abundant lignite coal." Burgum and Lt. Gov. Brent Sanford began working with GRE to facilitate a sale of Coal Creek Station to a third party operator even before GRE announced in May 2020 its plans to close the 1,151-megawatt generating plant in Underwood during the second half of 2022. Burgum announced on March 25, 2021, that GRE was in exclusive negotiations to sell Coal Creek Station and GRE's high-voltage, direct current transmission system that extends between central North Dakota and Minnesota. The pending sale to Rainbow Energy Center and Nexus Line was announced June 30. In July, GRE's member cooperatives approved a related purchase power agreement under which GRE will buy 1,050 megawatts of power from Rainbow Energy Center for approximately two years, followed by 300 megawatts for approximately eight years. Burgum signed several bills during this year's legislative session that will support the lignite industry as it continues to innovate for the future and supply reliable, low-cost electricity for residents and businesses in North Dakota and beyond. Those bills included: • House Bill 1412, which exempts coal plants from the state's coal conversion facility tax for the next five years. The bill is expected to save the industry over $20 million per year, freeing up funds to invest in innovative projects such as carbon capture and sequestration that will curb emissions and improve the industry's long-term viability. • Senate Bill 2152, which provides a sales tax exemption for carbon dioxide used for secure geologic storage. • SB 2206, which allows utilities to recover costs for carbon capture. Burgum and Sanford have promoted an all-of-the-above energy approach based on "innovation, not regulation" to advance energy development with environmental stewardship. Under the Burgum-Sanford administration, in 2018 North Dakota became the first state in the nation to receive approval from the U.S. Environmental Protection Agency (EPA) to regulate geologic storage of carbon dioxide, which presents a huge economic opportunity for both the lignite industry and the oil industry through enhanced oil recovery. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200*
Attachments	image001[15145].png, image002[15146].jpg, image003[15147].png, image004[15148].png, image005[15149].png, image006[15150].png

Record 710

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM -- SALE OF COAL CREEK STATION TO RAINBOW ENERGY CLEARS FINAL REGULATORY HURDLE WITH APPROVAL OF TRANSMISSION LINE PERMIT TRANSFER
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:26:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:26:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:26:37.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum: Sale of Coal Creek to Rainbow Energy clears final regulatory hurdle with transmission line transfer** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 6, 2022)** – Gov. Doug Burgum released the following statement today after the sale of Coal Creek Station to Rainbow Energy Center LLC cleared its final regulatory hurdle. The Minnesota Public Utilities Commission today unanimously approved the transfer of Coal Creek Station's high-voltage direct current transmission line from Great River Energy (GRE) to Nexus Line LLC, a subsidiary of Rainbow Energy Center LLC. Rainbow Energy Center and Nexus Line are both affiliates of Bismarck-based Rainbow Energy Marketing Corp. "This approval is a momentous step toward Rainbow Energy taking ownership of Coal Creek Station and providing a long-term future for the power plant, its workers and the communities supported by the hundreds of jobs at Coal Creek and the nearby Falkirk Mine," Burgum said. "It also offers North Dakota the opportunity to further prove that we can be a national and world leader in carbon capture, storage and utilization through our continued focus on innovation over regulation. Preserving the baseload generation that Coal Creek provides is critical to U.S. energy security and maintaining a strong regional power grid, and we're grateful to the industry, the state Legislature and our congressional delegation for their collaboration on ensuring a viable future for North Dakota's abundant lignite coal." Burgum and Lt. Gov. Brent Sanford began working with GRE to facilitate a sale of Coal Creek Station to a third party operator even before GRE announced in May 2020 its plans to close the 1,151-megawatt generating plant in Underwood during the second half of 2022. Burgum announced on March 25, 2021, that GRE was in exclusive negotiations to sell Coal Creek Station and GRE's high-voltage, direct current transmission system that extends between central North Dakota and Minnesota. The pending sale to Rainbow Energy Center and Nexus Line was announced June 30. In July, GRE's member cooperatives approved a related purchase power agreement under which GRE will buy 1,050 megawatts of power from Rainbow Energy Center for approximately two years, followed by 300 megawatts for approximately eight years. Burgum signed several bills during this year's legislative session that will support the lignite industry as it continues to innovate for the future and supply reliable, low-cost electricity for residents and businesses in North Dakota and beyond. Those bills included: • House Bill 1412, which exempts coal plants from the state's coal conversion facility tax for the next five years. The bill is expected to save the industry over $20 million per year, freeing up funds to invest in innovative projects such as carbon capture and sequestration that will curb emissions and improve the industry's long-term viability. • Senate Bill 2152, which provides a sales tax exemption for carbon dioxide used for secure geologic storage. • SB 2206, which allows utilities to recover costs for carbon capture. Burgum and Sanford have promoted an all-of-the-above energy approach based on "innovation, not regulation" to advance energy development with environmental stewardship. Under the Burgum-Sanford administration, in 2018 North Dakota became the first state in the nation to receive approval from the U.S. Environmental Protection Agency (EPA) to regulate geologic storage of carbon dioxide, which presents a huge economic opportunity for both the lignite industry and the oil industry through enhanced oil recovery. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200*
Attachments	image001[11743].png, image002[11744].jpg, image003[11745].png, image004[11746].png, image005[11747].png, image006[11748].png

Record 711

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	WITH VIDEO: BURGUM, MONTANA GOVERNOR STAKE FRIENDLY WAGER ON FCS CHAMPIONSHIP GAME
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:27:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:27:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:27:40.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **WITH VIDEO: Burgum, Gianforte stake friendly wager on FCS championship game between NDSU and Montana State** VIEW THIS RELEASE ONLINE: governor.ND.gov WATCH THE VIDEO HERE **BISMARCK, N.D. (JAN. 6, 2022)** – North Dakota Gov. Doug Burgum and Montana Gov. Greg Gianforte have staked a friendly wager on Saturday's NCAA Football Championship Subdivision (FCS) title game between the Montana State University Bobcats and the North Dakota State University Bison, who are vying for their ninth national title since 2011. The governor of the state whose team wins the championship will receive a gift basket with North Dakota- or Montana-made goods from the losing team's governor, who also must post a photo to social media of himself wearing the winning team's jersey. "Congratulations to the Bobcats on scratching their way to the FCS championship game, but it takes a lot more than sharp claws to stop a Thundering Herd," Burgum said. "North Dakota State is hungry to regain the FCS title and continue building on its incredible dynasty of eight championships in the last decade, and Bison Nation won't be denied. Go Bison!" If the Bobcats win, Burgum pledged to send North Dakota treats including Dot's Homestyle Pretzels from Velva, Widman's Candy Chippers from Grand Forks, honey from A Touch of Honey in Linton, Badlands Delicious Jerky from Bismarck, Cloverdale sausage from Mandan, Giants sunflower seeds from Wahpeton, Baker Boy donuts from Dickinson, Grubbersputz's Premium Popcorn from Devils Lake and Ax Water from Fargo. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200*
Attachments	image001[15155].png, image002[15160].jpg, image003[15156].png, image004[15157].png, image005[15158].png, image006[15159].png

Record 712

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	WITH VIDEO: BURGUM, MONTANA GOVERNOR STAKE FRIENDLY WAGER ON FCS CHAMPIONSHIP GAME
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:27:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:27:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:27:40.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **WITH VIDEO: Burgum, Gianforte stake friendly wager on FCS championship game between NDSU and Montana State** VIEW THIS RELEASE ONLINE: governor.ND.gov WATCH THE VIDEO HERE **BISMARCK, N.D. (JAN. 6, 2022)** – North Dakota Gov. Doug Burgum and Montana Gov. Greg Gianforte have staked a friendly wager on Saturday's NCAA Football Championship Subdivision (FCS) title game between the Montana State University Bobcats and the North Dakota State University Bison, who are vying for their ninth national title since 2011. The governor of the state whose team wins the championship will receive a gift basket with North Dakota- or Montana-made goods from the losing team's governor, who also must post a photo to social media of himself wearing the winning team's jersey. "Congratulations to the Bobcats on scratching their way to the FCS championship game, but it takes a lot more than sharp claws to stop a Thundering Herd," Burgum said. "North Dakota State is hungry to regain the FCS title and continue building on its incredible dynasty of eight championships in the last decade, and Bison Nation won't be denied. Go Bison!" If the Bobcats win, Burgum pledged to send North Dakota treats including Dot's Homestyle Pretzels from Velva, Widman's Candy Chippers from Grand Forks, honey from A Touch of Honey in Linton, Badlands Delicious Jerky from Bismarck, Cloverdale sausage from Mandan, Giants sunflower seeds from Wahpeton, Baker Boy donuts from Dickinson, Grubbersputz's Premium Popcorn from Devils Lake and Ax Water from Fargo. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200*
Attachments	image001[11753].png, image002[11758].jpg, image003[11754].png, image004[11755].png, image005[11756].png, image006[11757].png

Record 713

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	gov-press-contacts@nd.gov
Subject	GOVERNOR BURGUM'S WEEKLY NEWSLETTER 1-9-2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 5:43:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 5:40:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 5:43:01.000 PM

Body	Good evening, The link to Gov. Burgum's weekly newsletter is below. https://express.adobe.com/page/RWVnsIbSLUJIZ/ Best regards, Mike Nowatzki *Communications Director* 701.328.2424 • 701.955.2044 (m) • mnowatzki@nd.gov • www.governor.nd.gov 701.328.2200 • governor@nd.gov • 600 E. Boulevard Ave., Bismarck, ND 58505-0001 --- To unsubscribe from the GOV-PRESS-CONTACTS list, click the following link: https://apps.nd.gov/itd/listserv/maint.htm?reqid=GOV&REQUEST=AgencyListServEnterEmail
Attachments	image001[15199].png, image002[15200].png, image003[15201].png, image004[15202].png, image005[15203].png

Record 714

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	gov-press-contacts@nd.gov
Subject	GOVERNOR BURGUM'S WEEKLY NEWSLETTER 1-9-2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 5:43:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 5:40:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 5:43:01.000 PM
Body	Good evening, The link to Gov. Burgum's weekly newsletter is below. https://express.adobe.com/page/RWVnsIbSLUJIZ/ Best regards, Mike Nowatzki *Communications Director* 701.328.2424 • 701.955.2044 (m) • mnowatzki@nd.gov • www.governor.nd.gov 701.328.2200 • governor@nd.gov • 600 E. Boulevard Ave., Bismarck, ND 58505-0001 --- To unsubscribe from the GOV-PRESS-CONTACTS list, click the following link: https://apps.nd.gov/itd/listserv/maint.htm?reqid=GOV&REQUEST=AgencyListServEnterEmail
Attachments	image001[11795].png, image002[11796].png, image003[11797].png, image004[11798].png, image005[11799].png

Record 715

Sender Name	Nowatzki, Mike

Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM DIRECTS FLAGS AT HALF-STAFF IN HONOR OF FORMER SENATE MAJORITY LEADER HARRY REID
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:23:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:23:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:23:56.000 PM
Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum directs flags lowered to half-staff in honor of former Senate Majority Leader Harry Reid** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 12, 2022)** – Gov. Doug Burgum has directed all government agencies to fly the United States and North Dakota flags at half-staff Thursday, Jan. 13, and encourages North Dakotans to do the same at their homes and businesses, in honor of former U.S. Sen. Harry Reid of Nevada on the day of his interment. The governor's directive is in accordance with a proclamation issued by President Joe Biden after Reid passed away Dec. 28 at the age of 82. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200*
Attachments	image001[15274].png, image002[15275].jpg, image003[15276].png, image004[15277].png, image005[15278].png, image006[15279].png

Record 716

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM DIRECTS FLAGS AT HALF-STAFF IN HONOR OF FORMER SENATE MAJORITY LEADER HARRY REID
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:23:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:23:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:23:56.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum directs flags lowered to half-staff in honor of former Senate Majority Leader Harry Reid** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 12, 2022)** – Gov. Doug Burgum has directed all government agencies to fly the United States and North Dakota flags at half-staff Thursday, Jan. 13, and encourages North Dakotans to do the same at their homes and businesses, in honor of former U.S. Sen. Harry Reid of Nevada on the day of his interment. The governor's directive is in accordance with a proclamation issued by President Joe Biden after Reid passed away Dec. 28 at the age of 82. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200*
Attachments	image001[11871].png, image002[11872].jpg, image003[11873].png, image004[11874].png, image005[11875].png, image006[11876].png

Record 717

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM TO DELIVER 2022 STATE OF THE STATE ADDRESS ON JAN. 19 IN FARGO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:52:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:52:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:52:53.000 PM

Body	**ADVISORY** **REMINDER: Burgum to deliver 2022 State of the State Address on Jan. 19 in Fargo** **BISMARCK, N.D. (JAN. 12, 2022)** – Gov. Doug Burgum will deliver his 2022 State of the State Address at 10 a.m. Wednesday, Jan. 19, in Festival Concert Hall at the Reineke Fine Arts Center at North Dakota State University in Fargo. The event is free and open to the public. Free parking is available directly west of the Reineke Fine Arts Center across Bolley Drive in Lot T-2. Members of the press seeking information about setup for electronic media, including live coverage, may contact facility manager Maggie Latterell at (701) 321-9442 or margaret.latterell@ndsu.edu, or Danelle Hopkins in the Governor's Office at (701) 328-1277 or dhopkins@nd.gov. The address will be livestreamed from the Governor's Office website at www.governor.nd.gov. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200*
Attachments	image001[15280].png, image003[15281].png, image004[15282].png, image005[15283].png, image006[15284].png, image007[15285].jpg

Record 718

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM TO DELIVER 2022 STATE OF THE STATE ADDRESS ON JAN. 19 IN FARGO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:52:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:52:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 12:52:53.000 PM

Body	**ADVISORY** **REMINDER: Burgum to deliver 2022 State of the State Address on Jan. 19 in Fargo** **BISMARCK, N.D. (JAN. 12, 2022)** – Gov. Doug Burgum will deliver his 2022 State of the State Address at 10 a.m. Wednesday, Jan. 19, in Festival Concert Hall at the Reineke Fine Arts Center at North Dakota State University in Fargo. The event is free and open to the public. Free parking is available directly west of the Reineke Fine Arts Center across Bolley Drive in Lot T-2. Members of the press seeking information about setup for electronic media, including live coverage, may contact facility manager Maggie Latterell at (701) 321-9442 or margaret.latterell@ndsu.edu, or Danelle Hopkins in the Governor's Office at (701) 328-1277 or dhopkins@nd.gov. The address will be livestreamed from the Governor's Office website at www.governor.nd.gov. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200*
Attachments	image001[11877].png, image003[11878].png, image004[11879].png, image005[11880].png, image006[11881].png, image007[11882].jpg

Record 719

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM STATEMENT ON SUPREME COURT BLOCKING BIDEN'S VACCINE MANDATE ON PRIVATE BUSINESSES
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:48:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:48:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:48:09.000 PM

Body	**Burgum statement on Supreme Court blocking Biden's vaccine mandate on private businesses** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 13, 2022)** – Gov. Doug Burgum released the following statement today after the U.S. Supreme Court ruled that the Biden administration did not have authority to impose a vaccine mandate on private businesses with 100 or more employees. "Today's ruling reaffirms what we've said from the beginning: This misguided vaccine mandate was blatant federal overreach by the Biden administration," Burgum said. "Vaccines and boosters remain the best defense against COVID-19 severe illness, hospitalization and death and are readily available to all North Dakota residents, and we encourage those who haven't been vaccinated to consult with their trusted medical provider." The Supreme Court upheld 5-4 a separate vaccine mandate on employers who receive funding through federal Medicare or Medicaid programs, affecting an estimated 17 million health care workers. Burgum expressed his disappointment that hospitals and long-term care facilities won't be allowed to make their own vaccine decisions as private employers.

Record 720

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM STATEMENT ON SUPREME COURT BLOCKING BIDEN'S VACCINE MANDATE ON PRIVATE BUSINESSES
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:48:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:48:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:48:09.000 PM
Body	**Burgum statement on Supreme Court blocking Biden's vaccine mandate on private businesses** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 13, 2022)** – Gov. Doug Burgum released the following statement today after the U.S. Supreme Court ruled that the Biden administration did not have authority to impose a vaccine mandate on private businesses with 100 or more employees. "Today's ruling reaffirms what we've said from the beginning: This misguided vaccine mandate was blatant federal overreach by the Biden administration," Burgum said. "Vaccines and boosters remain the best defense against COVID-19 severe illness, hospitalization and death and are readily available to all North Dakota residents, and we encourage those who haven't been vaccinated to consult with their trusted medical provider." The Supreme Court upheld 5-4 a separate vaccine mandate on employers who receive funding through federal Medicare or Medicaid programs, affecting an estimated 17 million health care workers. Burgum expressed his disappointment that hospitals and long-term care facilities won't be allowed to make their own vaccine decisions as private employers.

Record 721

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM TO DELIVER RESCHEDULED STATE OF THE STATE ADDRESS ON FEB. 16
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:49:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:49:14.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:49:21.000 PM
Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum to deliver rescheduled State of the State Address on Feb. 16 at Fargo Theatre** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 21, 2022)** – Gov. Doug Burgum announced today that he will deliver his rescheduled 2022 State of the State Address at 10 a.m. Feb. 16 at the Fargo Theatre in Fargo. The address was initially scheduled for this week but was postponed due to the governor having laryngitis. The venue has changed to the Fargo Theatre due to a scheduling conflict with the previously scheduled venue at North Dakota State University. Additional information about the rescheduled address, including electronic media setup, will be provided in the coming weeks. The address will also be livestreamed from the Governor's Office website at www.governor.nd.gov. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200*
Attachments	image001[15809].png, image003[15810].png, image004[15811].png, image005[15812].png, image006[15813].png, image007[15814].jpg

Record 722

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM TO DELIVER RESCHEDULED STATE OF THE STATE ADDRESS ON FEB. 16
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:49:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:49:14.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:49:21.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum to deliver rescheduled State of the State Address on Feb. 16 at Fargo Theatre** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 21, 2022)** – Gov. Doug Burgum announced today that he will deliver his rescheduled 2022 State of the State Address at 10 a.m. Feb. 16 at the Fargo Theatre in Fargo. The address was initially scheduled for this week but was postponed due to the governor having laryngitis. The venue has changed to the Fargo Theatre due to a scheduling conflict with the previously scheduled venue at North Dakota State University. Additional information about the rescheduled address, including electronic media setup, will be provided in the coming weeks. The address will also be livestreamed from the Governor's Office website at www.governor.nd.gov. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE: 701.328.2200* -
Attachments	image001[12444].png, image003[12445].png, image004[12446].png, image005[12447].png, image006[12448].png, image007[12449].jpg

Record 723

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM: MAJOR DATA CENTER TO LOCATE IN WILLISTON AREA AS INDUSTRY INCREASINGLY EYES NORTH DAKOTA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:29:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:28:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:29:03.000 AM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum: One of world's largest data centers to locate in Williston area as industry targets growth in ND** VIEW THIS RELEASE ONLINE: governor.ND.gov **WILLISTON, N.D. (JAN. 26, 2022)** – Gov. Doug Burgum today announced the construction of one of the largest data centers in the world near Williston as North Dakota continues to emerge as a hub for high-performance computing, including cryptocurrency mining. The Atlas Power Data Center being built by FX Solutions Inc. is part of a $1.9 billion, multiyear project that will require more than 100 workers during the two-year construction period and create more than 30 permanent jobs, according to Richard Tabish, president of Missoula, Mont.-based FX Solutions. Atlas Power, an operator of high-density facilities serving cryptocurrency mining and high-performance computing utilizing alternative power generation, will own and operate the data center following its completion. Burgum announced the project at a press conference with Tabish and Kevin Washington, founder and President of Atlas Power, which currently operates a 75-megawatt data center in Butte, Mont. "This major investment in North Dakota will further cement our state's growing reputation as a hub for data centers and cryptocurrency mining, thanks to our incredibly reliable, affordable and redundant power supply and a climate that lowers cooling costs for data center operations," Burgum said. "With our all-of-the-above energy approach and nation-leading efforts in carbon capture, utilization and storage, we are well-positioned to support data centers and other energy-intensive industries with environmental stewardship while attracting high-paying jobs and diversifying our economy." The first phase of the project will consist of 16 buildings, each 350 feet long by 30 feet wide, to house tens of thousands of servers that will conduct high-performance computing using 240 megawatts of electricity. Phases 2 and 3 call for expanding to 500 megawatts and then 700 megawatts, adding additional buildings and servers. "We're thrilled to partner with Governor Burgum, FX Solutions and Mountrail-Williams Electric Cooperative to announce the construction of Atlas Power's second facility," Washington said. "Building on the success of our Butte, Montana location, Phase One of the Williston site alone will become Atlas's largest center of operations, while also ensuring we draw on a diversified mix of alternative power sources. As a company with strong Mountain West roots, we applaud the Governor's efforts to support the growth of North Dakota's crypto sector and are pleased to bring new tech-sector jobs to the region." "North Dakota is going to be a true leader worldwide in this industry," Tabish said. "Our ability to energize and build this project is creating a speed to market never seen before in this space. I have had the pleasure of witnessing the progressive development in this region with our construction and consulting division in Mountrail and Williams counties, and the support this project has received from MWEC and myriad local and state leaders is paramount. I am extremely happy to be back in North Dakota, adding to the forward thinking that Gov. Burgum has been implementing to buttress the already robust business culture." Sitework for the first phase of the project started earlier this month on a 77-acre site west of Williston. A 100-by-400-foot inflatable dome will be erected to allow for construction through the winter months. Mountrail-Williams Electric Cooperative will supply power to the data center, with the ability to supply the quantity of electricity required for the facility from multiple sources to support 24/7 operations. An electrical substation is already built near the data center with available capacity. "Our new data center member has great expectations of MWEC, and we are prepared and committed to their success and to our community," MWEC General Manager Dale Haugen said. – ### – **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200*
Attachments	image001[15836].png, image003[15837].png, image004[15838].png, image005[15839].png, image006[15840].png, image007[15841].jpg

Record 724

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM: MAJOR DATA CENTER TO LOCATE IN WILLISTON AREA AS INDUSTRY INCREASINGLY EYES NORTH DAKOTA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:29:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:28:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 11:29:03.000 AM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum: One of world's largest data centers to locate in Williston area as industry targets growth in ND** VIEW THIS RELEASE ONLINE: governor.ND.gov **WILLISTON, N.D. (JAN. 26, 2022)** – Gov. Doug Burgum today announced the construction of one of the largest data centers in the world near Williston as North Dakota continues to emerge as a hub for high-performance computing, including cryptocurrency mining. The Atlas Power Data Center being built by FX Solutions Inc. is part of a $1.9 billion, multiyear project that will require more than 100 workers during the two-year construction period and create more than 30 permanent jobs, according to Richard Tabish, president of Missoula, Mont.-based FX Solutions. Atlas Power, an operator of high-density facilities serving cryptocurrency mining and high-performance computing utilizing alternative power generation, will own and operate the data center following its completion. Burgum announced the project at a press conference with Tabish and Kevin Washington, founder and President of Atlas Power, which currently operates a 75-megawatt data center in Butte, Mont. "This major investment in North Dakota will further cement our state's growing reputation as a hub for data centers and cryptocurrency mining, thanks to our incredibly reliable, affordable and redundant power supply and a climate that lowers cooling costs for data center operations," Burgum said. "With our all-of-the-above energy approach and nation-leading efforts in carbon capture, utilization and storage, we are well-positioned to support data centers and other energy-intensive industries with environmental stewardship while attracting high-paying jobs and diversifying our economy." The first phase of the project will consist of 16 buildings, each 350 feet long by 30 feet wide, to house tens of thousands of servers that will conduct high-performance computing using 240 megawatts of electricity. Phases 2 and 3 call for expanding to 500 megawatts and then 700 megawatts, adding additional buildings and servers. "We're thrilled to partner with Governor Burgum, FX Solutions and Mountrail-Williams Electric Cooperative to announce the construction of Atlas Power's second facility," Washington said. "Building on the success of our Butte, Montana location, Phase One of the Williston site alone will become Atlas's largest center of operations, while also ensuring we draw on a diversified mix of alternative power sources. As a company with strong Mountain West roots, we applaud the Governor's efforts to support the growth of North Dakota's crypto sector and are pleased to bring new tech-sector jobs to the region." "North Dakota is going to be a true leader worldwide in this industry," Tabish said. "Our ability to energize and build this project is creating a speed to market never seen before in this space. I have had the pleasure of witnessing the progressive development in this region with our construction and consulting division in Mountrail and Williams counties, and the support this project has received from MWEC and myriad local and state leaders is paramount. I am extremely happy to be back in North Dakota, adding to the forward thinking that Gov. Burgum has been implementing to buttress the already robust business culture." Sitework for the first phase of the project started earlier this month on a 77-acre site west of Williston. A 100-by-400-foot inflatable dome will be erected to allow for construction through the winter months. Mountrail-Williams Electric Cooperative will supply power to the data center, with the ability to supply the quantity of electricity required for the facility from multiple sources to support 24/7 operations. An electrical substation is already built near the data center with available capacity. "Our new data center member has great expectations of MWEC, and we are prepared and committed to their success and to our community," MWEC General Manager Dale Haugen said. – ### – **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200*
Attachments	image001[12756].png, image003[12757].png, image004[12758].png, image005[12759].png, image006[12760].png, image007[12761].jpg

Record 725

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM TO ATTEND NGA WINTER MEETING, PARTICIPATE IN SESSIONS ON INFRASTRUCTURE, EDUCATION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:53:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:53:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:53:07.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum to attend NGA Winter Meeting, participate in sessions on infrastructure, education** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 28, 2022)** – Gov. Doug Burgum will attend the National Governors Association (NGA) Winter Meeting Friday through Monday in Washington, D.C., as the bipartisan gathering of the nation's governors takes place in person for the first time in two years. Governors will discuss best practices and collaboration on top policy issues such as infrastructure, cybersecurity and computer science education, which is the chairman's initiative of the current NGA chairman, Arkansas Gov. Asa Hutchinson. Commerce Secretary Gina Raimondo and Transportation Secretary Pete Buttigieg are among the cabinet officials scheduled to participate. Burgum also will attend a business session being held at the White House in conjunction with the Winter Meeting. "The National Governors Association offers a unique bipartisan forum for governors to share ideas, discuss best practices and highlight policy successes and solutions to the challenges we have in common," Burgum said. "We look forward to connecting with state, national and international leaders on topics that affect North Dakotans and advocating for federal policy that respects states' rights and supports economic growth, including in our two biggest industries, agriculture and energy." Burgum also will meet with members of the bipartisan Western Governors' Association while in the nation's capital. The NGA Winter Meeting is one of two annual convenings of the NGA, a bipartisan organization representing governors from the 55 states and U.S. territories. — # # # — **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200*
Attachments	image001[12777].png, image002[12778].jpg, image003[12779].png, image004[12780].png, image005[12781].png, image006[12782].png

Record 726

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM APPOINTS PAT BERTAGNOLLI TO LEAD JOB SERVICE NORTH DAKOTA AS EXECUTIVE DIRECTOR
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 10:01:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 10:01:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 10:01:25.000 AM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum appoints Pat Bertagnolli to lead Job Service North Dakota as executive director** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 28, 2022)** – Gov. Doug Burgum today announced he has appointed Pat Bertagnolli of Watford City to serve as executive director of Job Service North Dakota, effective Feb. 21, citing his extensive background in workforce recruitment, his experience in both the public and private sectors and his service on the state's Workforce Development Council. Bertagnolli *(BERT-n-OH-lee)* has served as director of the Rough Rider Center and community enhancement in Watford City since December 2019. He previously served as vice president of human resources for MBI Energy Services and has held human resources management positions at several other energy-related businesses in the Watford City and Williston areas since 2011. Prior to that he had a 22-year career with UPS serving in multiple capacities, most notably as a multistate operations manager and workforce planning and employee relations manager. "Having spent much of the last decade recruiting and retaining workers in the fastest-growing area of the country, Pat Bertagnolli has the right experience to lead Job Service North Dakota as we tackle our state's significant workforce challenge – our No. 1 barrier to economic growth," Burgum said. "We are deeply grateful for Pat's service on the Workforce Development Council these past eight years and look forward to his leadership at Job Service in connecting jobseekers with employers and removing barriers to employment." Bertagnolli earned his bachelor's degree in business administration in 1990 from Carroll College in Helena, Mont., and a Senior Certified Professional credential from the Society for Human Resource Management in 2015. He currently serves on the TrainND Northwest Advisory Board and on Williston State College's nursing advisory board. He has served on the state's Workforce Development Council for eight years, having been first appointed by then-Gov. Jack Dalrymple in 2014 and reappointed by Burgum in 2016, and is a former president of the Watford City Area Chamber of Commerce. "I'm thankful to have had a front row seat to the greatest growth in the nation as referenced in results of the 2020 Census, and Job Service North Dakota has been a key partner in that growth," Bertagnolli said. "I look forward to working alongside this amazing team in a more formal capacity to help facilitate statewide collaboration and alignment to support our state's recruiting and retention efforts. I'm grateful to Gov. Burgum for this incredible opportunity to serve the great people of North Dakota." Burgum expressed his gratitude to North Dakota Workforce Safety & Insurance (WSI) Director Bryan Klipfel, who has served as interim executive director of JSND since 2019 and will return to leading WSI full time. Job Service North Dakota has 156 full-time team members, 66 temporary employees and a biennial budget of $65.4 million to manage multiple federal grants for workforce and unemployment services. The agency has nine workforce centers across the state staffed with regional workforce experts to remove barriers to employment and to connect employers and job seekers by building partnerships within local communities with employers, schools, local economic development associations and chambers. Unemployment Insurance services are carried out at the central office location in Bismarck. Through this program, the agency stabilizes the workforce and economy by providing income replacement to eligible workers. The agency also provides education and labor market information to businesses and job seekers to make informed decisions. – ### – **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 Sarah Arntson, Job Service sjarntson@nd.gov 701.328.3031 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200*
Attachments	image001[12787].png, image003[12788].png, image004[12789].png, image005[12790].png, image006[12791].png, image007[12792].jpg

Record 727

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM RELEASES STATEMENT ON PASSING OF ATTORNEY GENERAL WAYNE STENEHJEM, ORDERS FLAGS AT HALF-STAFF
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:29:13.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:29:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:29:13.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum releases statement on passing of Attorney General Wayne Stenehjem, orders flags at half-staff** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 28, 2022)** – Gov. Doug Burgum released the following statement today regarding the passing of longtime North Dakota Attorney General Wayne Stenehjem. Stenehjem was the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th attorney general in 2000 and was re-elected in 2004, 2006, 2010, 2014 and 2018. Stenehjem also served in the North Dakota Legislature for 24 years, including four years in the House and 20 years in the Senate, where he was chair of the Senate Judiciary Committee from 1995-2000. He announced on Dec. 17, 2021, that he would not seek another term in office as attorney general. Stenehjem died today at age 68. "Like so many North Dakotans who treasured his friendship and admired him for his more than four decades of exceptional service to our state, we are absolutely devastated by the passing of Attorney General Wayne Stenehjem," Burgum said. "Wayne embodied public service, both as a dedicated legislator and the longest-serving attorney general in our state's 133-year history. As the top law enforcement officer in North Dakota for over two decades, Attorney General Stenehjem always put the safety and well-being of our citizens first. North Dakota is a safer place because of his unwavering commitment to law and order, his loyalty to his team members and his utmost respect for our men and women in uniform. State and local governments also are more transparent thanks to his strong enforcement of North Dakota's sunshine laws. "On a personal level, Wayne was extremely proud of his small-town roots, his ties to UND and time spent practicing law in Grand Forks, and especially his Scandinavian heritage. His dry Norwegian humor was at its sidesplitting best at Norsk Høsfest in Minot during the induction ceremonies for the Scandinavian-American Hall of Fame – an honor he himself received in 2007. Most of all, he was a loving husband and father, often sharing photos of his travels with Beth and beaming with pride as he would carry a plate of her Scotcheroos into a meeting or talk about son Andrew's military service and latest adventures. "It was an honor and a privilege to serve alongside Wayne on the North Dakota Industrial Commission and state Land Board. No matter how complex or contentious the issue, we all benefited from his incredible intellect, legal expertise and professionalism. He cared deeply about North Dakota and wanted only the best for its citizens. Kathryn and I extend our deepest condolences and prayers to Beth, Andrew and the entire Stenehjem family, his current and former colleagues from the Attorney General's Office and Legislature, his friends throughout state government and the entire law enforcement community as we grieve this terrible loss." Burgum has directed all government agencies to fly the United States and North Dakota flags at half-staff until further notice and encourages North Dakotans to do the same at their homes and businesses, in honor of Stenehjem and his longtime service to the state. — # # # — - **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* *PHONE 701.328.2200* -
Attachments	image001[12803].png, image002[12804].jpg, image003[12805].png, image004[12806].png, image005[12807].png, image006[12808].png

Record 728

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Recipients	mnowatzki@nd.gov
Subject	BURGUM RELEASES STATEMENT ON PASSING OF ATTORNEY GENERAL WAYNE STENEHJEM, ORDERS FLAGS AT HALF-STAFF
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:30:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:30:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:30:11.000 PM

Body	**NEWS: FOR IMMEDIATE RELEASE** **Burgum releases statement on passing of Attorney General Wayne Stenehjem, orders flags at half-staff** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (JAN. 28, 2022)** – Gov. Doug Burgum released the following statement today regarding the passing of longtime North Dakota Attorney General Wayne Stenehjem. Stenehjem was the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th attorney general in 2000 and was re-elected in 2004, 2006, 2010, 2014 and 2018. Stenehjem also served in the North Dakota Legislature for 24 years, including four years in the House and 20 years in the Senate, where he was chair of the Senate Judiciary Committee from 1995-2000. He announced on Dec. 17, 2021, that he would not seek another term in office as attorney general. Stenehjem died today at age 68. "Like so many North Dakotans who treasured his friendship and admired him for his more than four decades of exceptional service to our state, we are absolutely devastated by the passing of Attorney General Wayne Stenehjem," Burgum said. "Wayne embodied public service, both as a dedicated legislator and the longest-serving attorney general in our state's 133-year history. As the top law enforcement officer in North Dakota for over two decades, Attorney General Stenehjem always put the safety and well-being of our citizens first. North Dakota is a safer place because of his unwavering commitment to law and order, his loyalty to his team members and his utmost respect for our men and women in uniform. State and local governments also are more transparent thanks to his strong enforcement of North Dakota's sunshine laws. "On a personal level, Wayne was extremely proud of his small-town roots, his ties to UND and time spent practicing law in Grand Forks, and especially his Scandinavian heritage. His dry Norwegian humor was at its sidesplitting best at Norsk Høsfest in Minot during the induction ceremonies for the Scandinavian-American Hall of Fame – an honor he himself received in 2007. Most of all, he was a loving husband and father, often sharing photos of his travels with Beth and beaming with pride as he would carry a plate of her Scotcheroos into a meeting or talk about son Andrew's military service and latest adventures. "It was an honor and a privilege to serve alongside Wayne on the North Dakota Industrial Commission and state Land Board. No matter how complex or contentious the issue, we all benefited from his incredible intellect, legal expertise and professionalism. He cared deeply about North Dakota and wanted only the best for its citizens. Kathryn and I extend our deepest condolences and prayers to Beth, Andrew and the entire Stenehjem family, his current and former colleagues from the Attorney General's Office and Legislature, his friends throughout state government and the entire law enforcement community as we grieve this terrible loss." Burgum has directed all government agencies to fly the United States and North Dakota flags at half-staff until further notice and encourages North Dakotans to do the same at their homes and businesses, in honor of Stenehjem and his longtime service to the state. — # # # — - **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* PHONE *701.328.2200* -
Attachments	image001[12809].png, image002[12810].jpg, image003[12811].png, image004[12812].png, image005[12813].png, image006[12814].png

Record 729

Sender Name	Nowatzki, Mike
Sender Email	mnowatzki@nd.gov
Subject	BURGUM RELEASES STATEMENT ON PASSING OF ATTORNEY GENERAL WAYNE STENEHJEM, ORDERS FLAGS AT HALF-STAFF
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:30:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:30:11.000 PM

Record 730

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov

Subject	Marina's Mom
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:48:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:48:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:48:31.000 AM
Body	Good Morning: My mom past away last night at 9pm. I plan on taking today and possibly tomorrow off. Her memorial service will be held this summer when her family can all meet in Canada. **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
CC	lbrocker@nd.gov

Record 731

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Marina's Mom
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:48:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:48:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 8:48:31.000 AM
Body	Good Morning: My mom past away last night at 9pm. I plan on taking today and possibly tomorrow off. Her memorial service will be held this summer when her family can all meet in Canada. **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
CC	lbrocker@nd.gov

Record 732

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:02.000 PM

Body	My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 733

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:02.000 PM
Body	My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 734

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	RE: Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:51.000 PM
Body	**From:** Spahr, Marina **Sent:** Sunday, January 23, 2022 5:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Herma Spahr My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
Attachments	Herma.scan.final[15819].pdf

Record 735

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	RE: Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 5:27:51.000 PM
Body	**From:** Spahr, Marina **Sent:** Sunday, January 23, 2022 5:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Herma Spahr My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
Attachments	Herma.scan.final[12481].pdf

Record 736

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 10:14:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 10:14:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 10:14:29.000 AM

Body	Thank you. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:17 AM **To:** Spahr, Marina <mspahr@nd.gov> **Subject:** RE: Herma Spahr Marina, This is one of the most heartwarming tributes I have ever read. What a remarkable woman you Mom was! So sorry for you loss. May she rest in peace. Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Sunday, January 23, 2022 5:28 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Herma Spahr **From:** Spahr, Marina **Sent:** Sunday, January 23, 2022 5:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Herma Spahr My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 737

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 10:14:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 10:14:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 10:14:29.000 AM

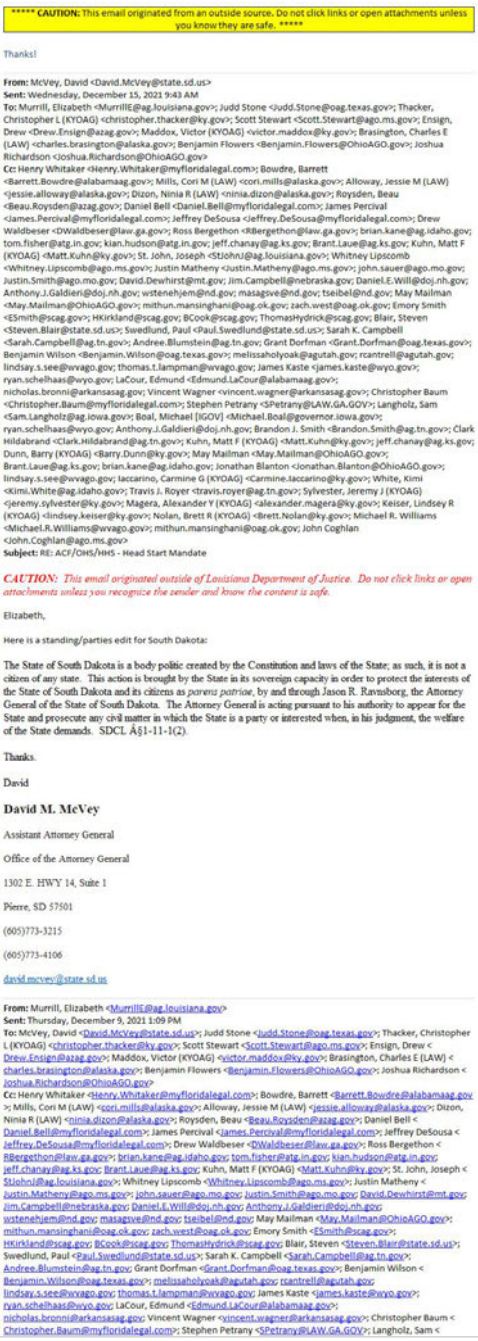
Body	Thank you. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:17 AM **To:** Spahr, Marina <mspahr@nd.gov> **Subject:** RE: Herma Spahr Marina, This is one of the most heartwarming tributes I have ever read. What a remarkable woman you Mom was! So sorry for you loss. May she rest in peace. Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Sunday, January 23, 2022 5:28 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Herma Spahr **From:** Spahr, Marina **Sent:** Sunday, January 23, 2022 5:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Herma Spahr My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 738

Sender Name	Spahr, Marina
Sender Email	mspahr@nd.gov
Recipients	wstenehjem@nd.gov
Subject	get well soon
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 2:46:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 2:46:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 2:46:40.000 PM
Body	Wayne: Please know that we are sending you our good thoughts, best wishes and prayers. I hope that you recover very quickly and that we see you at the office very soon. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 739

Sender Name	Murrill, Elizabeth
Sender Email	MurrillE@ag.louisiana.gov

Recipients	David.McVey@state.sd.us, Judd.Stone@oag.texas.gov, christopher.thacker@ky.gov, Scott.Stewart@ago.ms.gov, Drew.Ensign@azag.gov, victor.maddox@ky.gov, charles.brasington@alaska.gov, Benjamin.Flowers@OhioAGO.gov, Joshua.Richardson@OhioAGO.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:44:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:43:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:44:49.000 AM
Body	

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <

Body

Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov>

Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov >; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam < Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) < victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers < Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov >; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov < tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov < jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb < Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov < john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov < David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov < Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov < masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov < zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven < Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell < Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman < Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov < thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov < ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] < Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David < David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov <Jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov < Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer < travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y

Body	(KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: [EXT] ACF/OHS/HHS - Head Start Mandate Thanks. **From:** Judd Stone <Judd.Stone@oag.texas.gov> **Sent:** Thursday, December 09, 2021 12:31 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD. **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: ACF/OHS/HHS - Head Start Mandate Louisiana is in the process of drafting a complaint. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others). We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are

Body	shooting for Tuesday of next week. We welcome all joiners. **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dixon, Ninia R (LAW) <ninia.dixon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.brown@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:44:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 9:43:41.000 AM
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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <

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Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov >; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam < Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) < victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers < Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov >; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov < tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov < jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb < Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov < john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov < David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov < Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov < masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov < zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven < Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell < Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman < Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov < thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov < ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] < Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David < David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov <Jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov < Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer < travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y

Body

(KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are

Body	shooting for Tuesday of next week. We welcome all joiners. **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dixon, Ninia R (LAW) <ninia.dixon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.brown@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Record 741

Sender Name	Murrill, Elizabeth
Sender Email	MurrillE@ag.louisiana.gov
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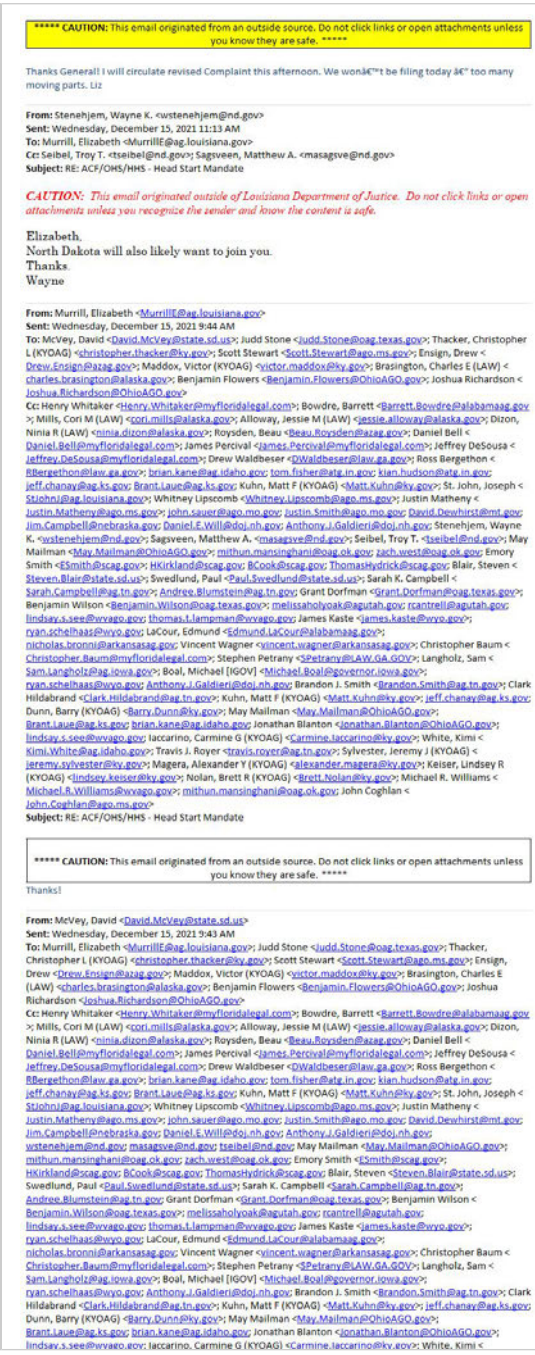
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:17:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:17:44.000 AM

Body



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Thanks General! I will circulate revised Complaint this afternoon. We wonâ€™t be filing today â€" too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; justin.smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; justin.smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <

Body

Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tselbel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; Thomaskydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <

Body

Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Thursday, December 09, 2021 11:54 AM
To: Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.brosna@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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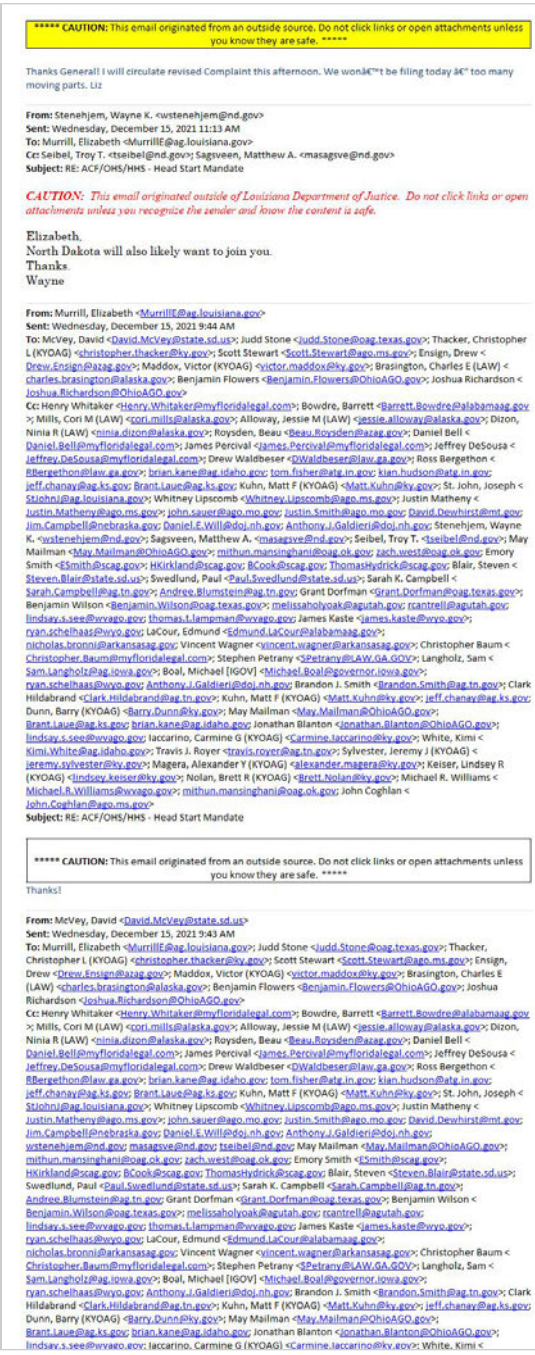
Recipients	wstenehjem@nd.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:17:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:17:44.000 AM

Body



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Thanks General! I will circulate revised Complaint this afternoon. We wonâ€™t be filing today â€" too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; justin.smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; justin.smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <

Body

Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <

Body

Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov <Jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Thursday, December 09, 2021 11:54 AM
To: Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.brosna@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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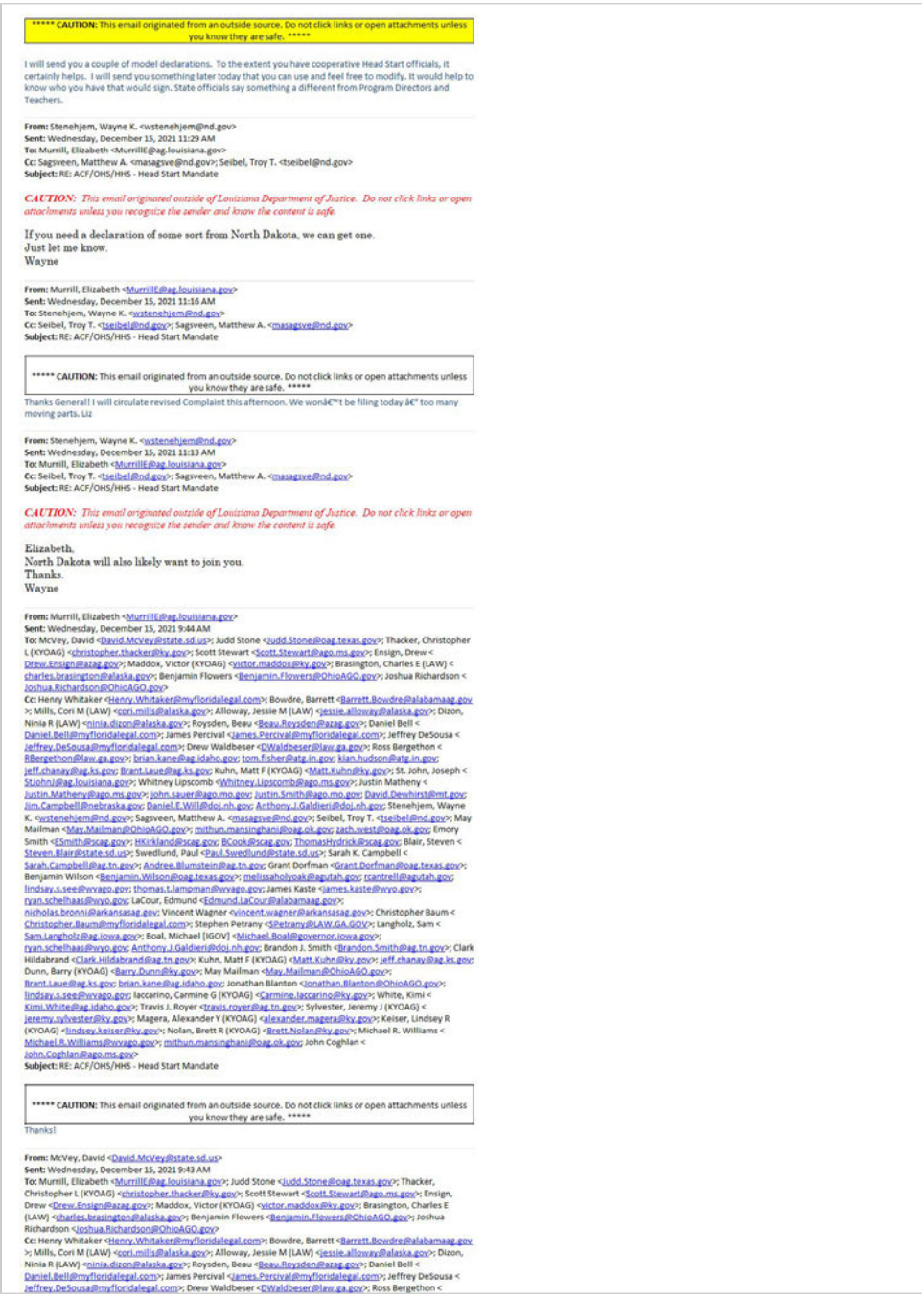
Recipients	wstenehjem@nd.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:31:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:30:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:31:42.000 AM

Body



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I will send you a couple of model declarations. To the extent you have cooperative Head Start officials, it certainly helps. I will send you something later today that you can use and feel free to modify. It would help to know who you have that would sign. State officials say something a different from Program Directors and Teachers.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:29 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We won't be filing today – too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <

Body

RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam < Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov>

Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew < Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) < charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson < Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov >; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam < Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM

Body

To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; thomas.t.lampman@wyago.gov <thomas.t.lampman@wyago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <

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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Thursday, December 09, 2021 11:54 AM
To: Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <

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Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.brown@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chaney@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R. (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See **Published rule**, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601|(502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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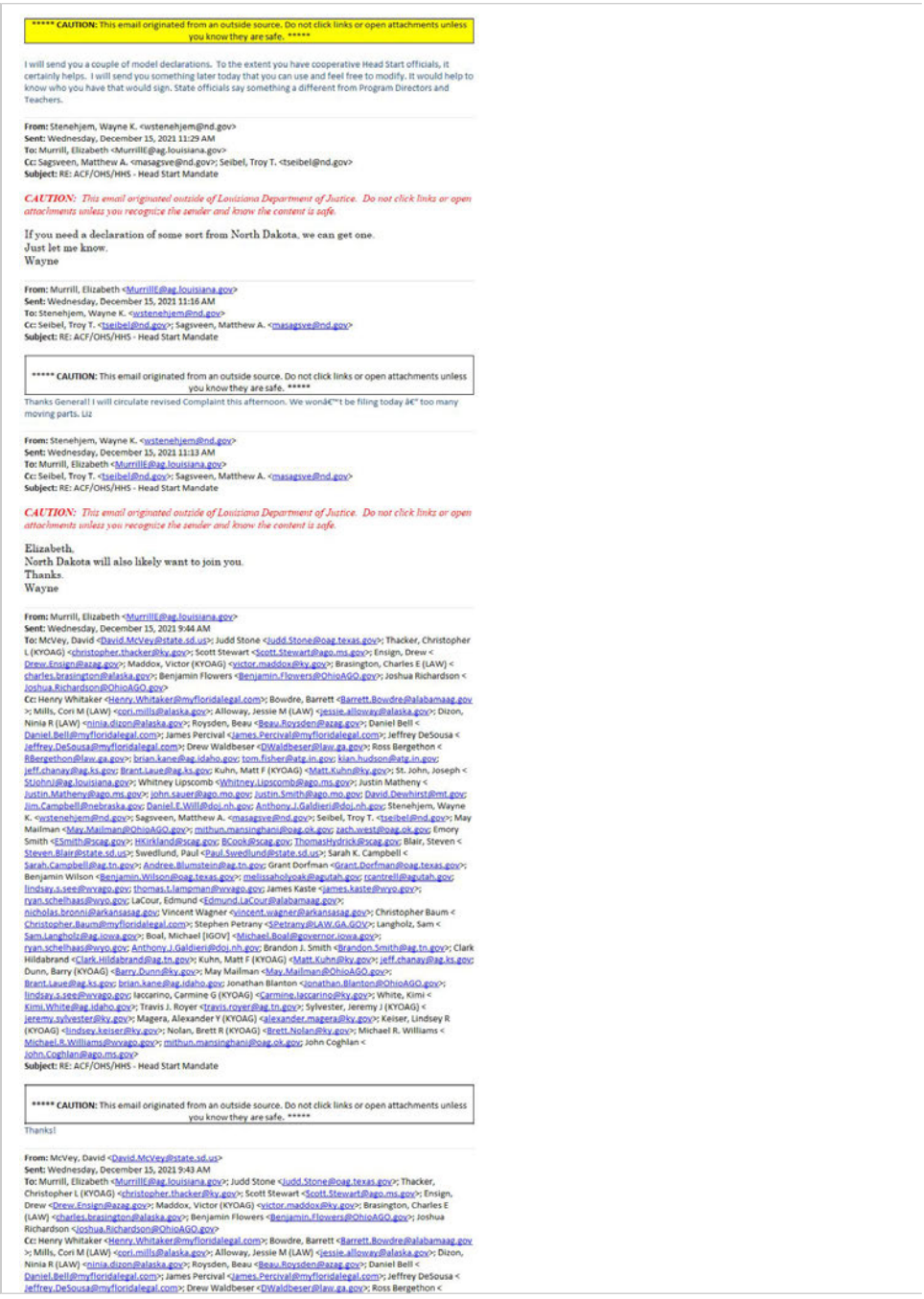
If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	masagsve@nd.gov, tseibel@nd.gov

Record 744

Sender Name	Murrill, Elizabeth
Sender Email	MurrillE@ag.louisiana.gov
Recipients	wstenehjem@nd.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:31:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:30:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:31:42.000 AM

Body



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I will send you a couple of model declarations. To the extent you have cooperative Head Start officials, it certainly helps. I will send you something later today that you can use and feel free to modify. It would help to know who you have that would sign. State officials say something a different from Program Directors and Teachers.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:29 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We won't be filing today – too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyoag.gov; thomas.t.lampman@wyoag.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyoag.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyoag.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <

Body

RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

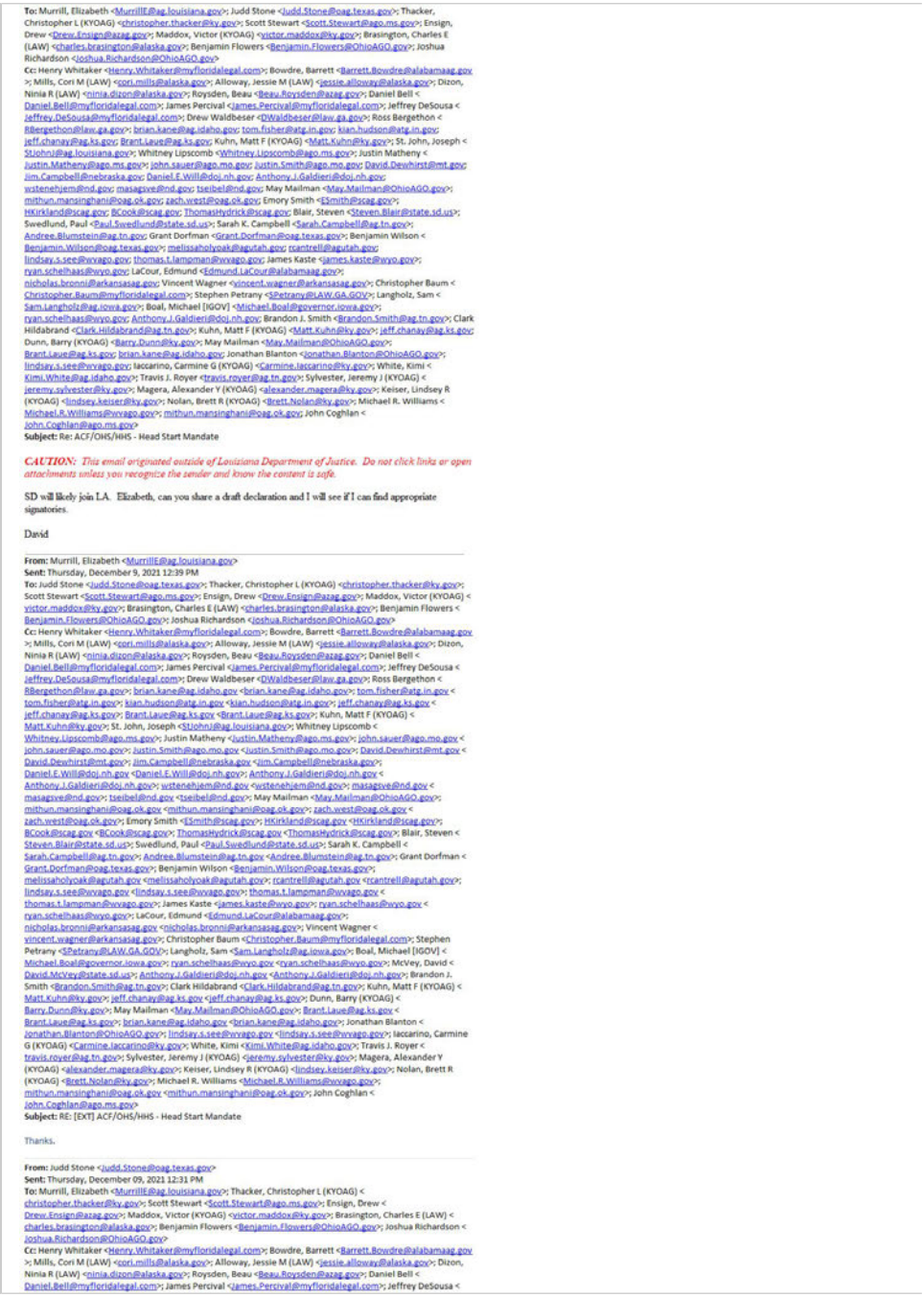
david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM

Body



To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <

Body	Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <Travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD. --- **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov <Jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: ACF/OHS/HHS - Head Start Mandate Louisiana is in the process of drafting a complaint. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others). We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners. --- **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <

Body	StJohn1@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.brown@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chaney@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R. (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See **Published rule**, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601|(502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	masagsve@nd.gov, tseibel@nd.gov

Record 745

Sender Name	Murrill, Elizabeth
Sender Email	MurrillE@ag.louisiana.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:21:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:20:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:21:50.000 PM

Body

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As soon as possible. I wonâ€™t be able to file today, and its probably unrealistic to hope for tomorrow. But I would like to try and get decs by Friday morning.

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, December 15, 2021 1:20 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

CAUTION: *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.*

Elizabeth,
What kind of deadline do you have for declarations?
Matt

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:30 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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I will send you a couple of model declarations. To the extent you have cooperative Head Start officials, it certainly helps. I will send you something later today that you can use and feel free to modify. It would help to know who you have that would sign. State officials say something a different from Program Directors and Teachers.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:29 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We wonâ€™t be filing today â€“ too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; klan.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory

Body

Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tselbel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

Body

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tselbel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rrantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

Body	**From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:39 PM **To:** Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. 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Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: [EXT] ACF/OHS/HHS - Head Start Mandate Thanks. **From:** Judd Stone <Judd.Stone@oag.texas.gov> **Sent:** Thursday, December 09, 2021 12:31 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

Body

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Thursday, December 09, 2021 11:54 AM
To: Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R

Body	(KYOAG) <Lindsey.Kesser@ky.gov>; Nolan, Brett K (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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CC	tseibel@nd.gov

Record 746

Sender Name	Murrill, Elizabeth
Sender Email	MurrillE@ag.louisiana.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:21:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:20:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:21:50.000 PM

Body

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As soon as possible. I wonâ€™t be able to file today, and its probably unrealistic to hope for tomorrow. But I would like to try and get decs by Friday morning.

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, December 15, 2021 1:20 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Elizabeth,
What kind of deadline do you have for declarations?
Matt

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:30 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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I will send you a couple of model declarations. To the extent you have cooperative Head Start officials, it certainly helps. I will send you something later today that you can use and feel free to modify. It would help to know who you have that would sign. State officials say something a different from Program Directors and Teachers.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:29 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We wonâ€™t be filing today â€“ too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory

Body

Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tselbel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

Body

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tselbel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rrantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

Body	**From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:39 PM **To:** Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. 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Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: [EXT] ACF/OHS/HHS - Head Start Mandate Thanks. **From:** Judd Stone <Judd.Stone@oag.texas.gov> **Sent:** Thursday, December 09, 2021 12:31 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

Body

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Thursday, December 09, 2021 11:54 AM
To: Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R

Body	(KYOAG) <Bailey.Kesser@ky.gov>; Nolan, Brett K (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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CC	tseibel@nd.gov

Record 747

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Recipients	Tom.Fisher@atg.in.gov
Subject	Re: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 9:28:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 9:27:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 9:28:27.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mine too! Sent from my iPhone On Dec 22, 2021, at 5:54 PM, Fisher, Tom <Tom.Fisher@atg.in.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. You got my vote, Ben! TMF From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> Sent: Wednesday, December 22, 2021 6:50 PM To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov> Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' Subject: RE: OSHA ARGUMENT SCHEDULED FOR 1/7 **** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. **** I spoke with NFIB. They are happy to divide time, though we postponed the precise division until tomorrow. I will plan on arguing this, absent any objections Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Body	From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Date: Wednesday, Dec 22, 2021, 6:43 PM To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>, Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'<mailto:'Andree.Blumstein@ag.tn.gov'>>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'<mailto:'Anthony.J.Galdieri@doj.nh.gov'>>, 'BCook@scag.gov' <'BCook@scag.gov'<mailto:'BCook@scag.gov'>>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov<mailto:Michael.Boal@governor.iowa.gov>>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>, Brandon J. 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Body	Subject: OSHA ARGUMENT SCHEDULED FOR 1/7 SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov<mailto> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Subject	Re: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 9:28:27.000 PM
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Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mine too! Sent from my iPhone On Dec 22, 2021, at 5:54 PM, Fisher, Tom <Tom.Fisher@atg.in.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. You got my vote, Ben! TMF From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> Sent: Wednesday, December 22, 2021 6:50 PM To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov> Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' Subject: RE: OSHA ARGUMENT SCHEDULED FOR 1/7 **** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. **** I spoke with NFIB. They are happy to divide time, though we postponed the precise division until tomorrow. I will plan on arguing this, absent any objections Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

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Campbell <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'<mailto:'Scott.Stewart@ago.ms.gov'>>, Seibel, Troy <tseibel@nd.gov<mailto:tseibel@nd.gov>>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'<mailto:'Shannon.Grammel@ag.ks.gov'>>, Smith, Emory <ESmith@scag.gov<mailto:ESmith@scag.gov>>, St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>, Stephen Petrany <SPetrany@law.ga.gov<mailto:SPetrany@law.ga.gov>>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'<mailto:'steven.blair@state.sd.us'>>, Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'<mailto:'thomas.t.lampman@wvago.gov'>>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'<mailto:'ThomasHydrick@scag.gov'>>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'<mailto:'tom.fisher@atg.in.gov'>>, Travis J. Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>, Wagner, Vincent <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>, White, Kimi <Kimi.White@ag.idaho.gov<mailto:Kimi.White@ag.idaho.gov>>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'<mailto:'whitney.lipscomb@ago.ms.gov'>>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'<mailto:'wstenehjem@nd.gov'>>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'<mailto:'zach.west@oag.ok.gov'>>

Body	Subject: OSHA ARGUMENT SCHEDULED FOR 1/7 SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>, Wagner, Vincent <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>, White, Kimi <Kimi.White@ag.idaho.gov<mailto:Kimi.White@ag.idaho.gov>>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'<mailto:'whitney.lipscomb@ago.ms.gov'>>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'<mailto:'wstenehjem@nd.gov'>>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'<mailto:'zach.west@oag.ok.gov'>> Subject: Re: Draft SCOTUS Stay Thanks so much for being ready to roll!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov<mailto:Benjamin.Flowers@ohioago.gov>> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov<mailto> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 8:08:50.000 PM
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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 6:20:44.000 AM
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Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Do you have us? Sent from my iPhone On Jan 24, 2022, at 3:09 PM, Beth Klusmann <Beth.Klusmann@oag.texas.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. A reminder that we extended our join date for this amicus brief in support of Arizona's motion to dismiss claims of election-law discrimination. Please let me know by noon tomorrow if you'd like to join our efforts. Thanks. Beth From: Beth Klusmann Sent: Friday, January 21, 2022 10:03 AM To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'dylan.jacobs@arkansasag.gov' <dylan.jacobs@arkansasag.gov>; 'Henry.Whitaker@myfloridalegal.com' <Henry.Whitaker@myfloridalegal.com>; 'James.Percival@myfloridalegal.com' <James.Percival@myfloridalegal.com>; 'Jeffrey.DeSousa@myfloridalegal.com' <Jeffrey.DeSousa@myfloridalegal.com>; 'Daniel.Bell@myfloridalegal.com' <Daniel.Bell@myfloridalegal.com>; 'SPetrany@LAW.GA.GOV' <SPetrany@LAW.GA.GOV>; 'RBergethon@LAW.GA.GOV' <RBergethon@LAW.GA.GOV>; 'DWaldbeser@LAW.GA.GOV' <DWaldbeser@LAW.GA.GOV>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'julia.payne@atg.in.gov' <julia.payne@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'murrille@ag.louisiana.gov' <murrille@ag.louisiana.gov>; 'StJohnJ@ag.louisiana.gov' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Christian.Corrigan@mt.gov' <Christian.Corrigan@mt.gov>; 'Brent.Mead2@mt.gov' <Brent.Mead2@mt.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin.flowers@ohioattorneygeneral.gov' <Benjamin.flowers@ohioattorneygeneral.gov>; 'May.Davis@ohioago.gov' <May.Davis@ohioago.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'ESmith@scag.gov' <ESmith@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'sarah.campbell@ag.tn.gov' <sarah.campbell@ag.tn.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'Thomas.T.Lampman@wvago.gov' <Thomas.T.Lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'james.kaste@wyo.gov' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'aferguson@oag.state.va.us' <aferguson@oag.state.va.us> Cc: Judd Stone <Judd.Stone@oag.texas.gov>; 'Drew.Ensign@azag.gov' <Drew.Ensign@azag.gov>; 'Beau.Roysden@azag.gov' <Beau.Roysden@azag.gov> Subject: RE: Draft States Amicus Brief - Mi Familia Vota v. Hobbs Happy Friday everyone. We've decided to push our amicus filing until next week Tuesday to give everyone more time to join. So please let us know if you'd like to join by Tuesday, January 25 at noon. To recap the brief – voting-rights plaintiffs shouldn't be allowed to take insufficient section 2 results allegations and just claim "discriminatory purpose" in order to survive a motion to dismiss. We'd like to make a strong showing in support of Arizona on this one, so let me know if you have any questions or concerns about the brief. Thanks! Beth From: Beth Klusmann Sent: Tuesday, January 18, 2022 11:29 AM To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>; vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>; dylan.jacobs@arkansasag.gov<mailto:dylan.jacobs@arkansasag.gov>; Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>;

Body	James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>; Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>; Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>; SPetrany@LAW.GA.GOV mailto:SPetrany@LAW.GA.GOV>; RBergethon@LAW.GA.GOV<mailto:RBergethon@LAW.GA.GOV>; DWaldbeser@LAW.GA.GOV<mailto:DWaldbeser@LAW.GA.GOV>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; julia.payne@atg.in.gov<mailto:julia.payne@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; murrille@ag.louisiana.gov<mailto:murrille@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; Christian.Corrigan@mt.gov<mailto:Christian.Corrigan@mt.gov>; Brent.Mead2@mt.gov mailto:Brent.Mead2@mt.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov mailto:tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov>; May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; ESmith@scag.gov<mailto:ESmith@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; HKirkland@scag.gov mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>; sarah.campbell@ag.tn.gov<mailto:sarah.campbell@ag.tn.gov>; melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>; rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>; Lindsay.S.See@wvago.gov<mailto:Lindsay.S.See@wvago.gov>; Thomas.T.Lampman@wvago.gov<mailto:Thomas.T.Lampman@wvago.gov>; Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>; james.kaste@wyo.gov mailto:james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov<mailto:Edmund.LaCour@AlabamaAG.gov>> Cc: Judd Stone <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>; Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov> Subject: Draft States Amicus Brief - Mi Familia Vota v. Hobbs Hello all, I've attached a draft States amicus brief in support of Arizona's motion to dismiss in its most recent voting litigation concerning two laws: (1) requiring missing signatures on mail-in ballots to be provided by election day; and (2) removing voters from the early voting list such that they no longer automatically receive mail-in ballots if they don't vote for two cycles and fail to respond when asked if they wish to remain on the list. Plaintiffs have not brought a section 2 results claim, but only a discriminatory-purpose claim and an undue-burden claim. Our amicus brief focuses on the purpose claim and highlights the need for adequate allegations of invidious purpose, the presumption of legislative good faith, and the discovery burdens that await if the motion to dismiss is denied. We'd like to file this on Friday, so please let me know if you'd like to join by noon (CT) on Friday, January 21. Thank you! Beth Beth Klusmann Assistant Solicitor General Office: (512) 936-1914 Cell: (469) 585-7590 The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	cori.mills@alaska.gov, jessie.alloway@alaska.gov, ninia.dizon@alaska.gov, nicholas.bronni@arkansasag.gov, vincent.wagner@arkansasag.gov, Dylan.jacobs@arkansasag.gov, Henry.Whitaker@myfloridalegal.com, james.percival@myfloridalegal.com, Jeffrey.DeSousa@myfloridalegal.com, Daniel.Bell@myfloridalegal.com, SPetrany@law.ga.gov, rbergethon@law.ga.gov, DWaldbeser@law.ga.gov, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, julia.payne@atg.in.gov, jeff.chanay@ag.ks.gov, Brant.Laue@ag.ks.gov, Matt.Kuhn@ky.gov, StJohnJ@ag.louisiana.gov, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, christian.corrigan@mt.gov, brent.mead2@mt.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, Benjamin.flowers@ohioattorneygeneral.gov, May.Davis@ohioago.gov, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, esmith@scag.gov, ThomasHydrick@scag.gov, HKirkland@scag.gov, BCook@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, Sarah.Campbell@ag.tn.gov, Andree.Blumstein@ag.tn.gov, melissaholyoak@agutah.gov, rcantrell@agutah.gov, lindsay.s.see@wvago.gov, thomas.t.lampman@wvago.gov, Jessica.A.Lee@wvago.gov, james.kaste@wyo.gov, ryan.schelhaas@wyo.gov, Edmund.LaCour@alabamaag.gov, aferguson@oag.state.va.us, judd.stone@oag.texas.gov, Drew.Ensign@azag.gov, Beau.roysden@azag.gov

Record 752

Sender Name	Wuitschick, Marcie D.

Sender Email	mwuitschick@nd.gov
Recipients	rsavaloja@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov
Subject	Re: Question---are you going to reply or confirm receipt of below email?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:51:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:51:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:51:43.000 PM
Body	

Get Outlook for iOS
From: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Sent: Friday, January 7, 2022 2:10:56 PM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>; Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
Cc: Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

I have waited for Marcie to set a time to discuss concerns with me since December 22nd , as she suggested, with no response. Now I see she in on leave until the day I retire. I expect a call from someone regarding my concerns listed below before I retire. All of you have been very good at ignoring my issues and the issues of many, many other staff within the Dept of Human Services hoping they will quietly disappear. I know you are all very aware of the issues and chalking the way you are treating state employees, that have years of service, with never any complaint about their work, under the guise of "restructure" is inhumane or worse. If you are not part of the solution, you are part of the problem as the saying goes.

Wayne, as a prior next door neighbor of yours in Grand Forks, I am including you in this email. I wonder if you have any idea what has been going on in the Department of Human Services for the past while and all the staff that are quitting because of the way they (we) are being treated? I truly believe things need to be looked into very deeply.....starting of course at the top.

Becky Savaloja
Account Tech II

From: Savaloja, Rebecca L.
Sent: Tuesday, January 4, 2022 8:56 AM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Cc: Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

Marci—

I have not heard from you regarding a time to verbally discuss. Please talk to Donna and Jeff before we talk. If there is one thing I am certain of, it is that laws were broken in not posting the positions given to two Fargo staff for accounts payable entry statewide.

Things are in self destruct mode here at NEHSC which in the end will be good overall for anyone that ends of staying at NEHSC going forward. If anyone does stay.

Becky

From: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Sent: Wednesday, December 22, 2021 1:45 PM
To: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Cc: Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

Thank you for the response Becky. I understand that you are frustrated and I do want to assure that your questions are answered, even though your concerns go back farther than 15 days. In order to look into what your questions are, discussion will need to be held with Jeff Stenseth and Donna Aukland. As you point out, the grievance process is a written process with specific time limits governed by Century Code and Administrative Rule. But that does not mean that issues cannot be resolved by other means.

I would add that when reorganizations occur, certain processes are handled differently, but still are required to be follow State and Federal employment laws. This reorganization would be no different.

I'm not sure when your last day of work is, but would you have any time next week or the following week to connect and we can verbally walk through your concerns?

From: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Sent: Tuesday, December 21, 2021 9:30 AM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Cc: Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

Good Morning Marcie,

I know from prior staff that grievances go nowhere and it almost always hurts the staff that files them. I did look at the grievance form and it said that it needed to be filed with 15 days of incident. I am questioning what happened long after 15 days has past and just want a few answers before I retire. I have included others in this email because they need to know what is going on if they are not aware already. I am not going to personally talk to Jeff Stenseth or Donna Aukland about this because I am afraid of what they would potentially do to me.

In further clarification:

I received verbal notification in a meeting (no written notice) from Lynn Bingham with Jeff Stenseth present and a few other staff that were also having some minor duties removed. Again, Lynn apologized for not giving me more notice but said he was instructed not to! I just left Lynn Bingham's office and asked Lynn who he received the instruction from as far as giving me **no notice** that all my duties were being taken away. He said it was Donna Aukland. He said Donna, in meetings, told all business managers not to say anything to staff until they met with staff the end of July. The meeting occurred at the very end of July and I was told I was losing almost all of accounts payable duties **immediately**. There was another staff or two in the office that were also losing a few duties but I was the only one losing 90 percent or more along with others in my position in the state. I'm sure this was due to statewide reorganization. That is not the problem or the question. In the meeting it was said that some of my duties, going forward, were going to be required to be done by the business managers and the remainder was being given to two office assistants in SEHSC. I immediately asked why these 2 staff were just given all of my duties other than what the business manager was to do. Lynn Bingham threw out the response that their office was bigger or something to that effect, which of course I knew had nothing to do with anything. Jeff Stenseth sat there and said nothing regarding that.

My questions remain—

- **Why didn't the two office assistants have to apply for the jobs they got working on accounts payable for the whole state? Jobs that were taken from others statewide and just given to them? Is it not policy that these positions should have been opened up for me or others to have applied for if we wished? That is a question that I believe you would have the answer to Marcie.**
- **Why did I get such late notice that my job was disappearing. This, most likely, would be a question for Donna Aukland and Jeff Stenseth.**
- **Donna Aukland said there would be other duties to replace the ones I lost but I was never given**

Body	**anything? I do not know if my counterparts statewide were given new duties or not. Also please note that Lynn Bingham asked Donna several times, if I could help him out with duties given to him and Donna said No.** I expect that Donna and Jeff will come up with excuses that in their minds they can justify. I however, think it is very sad what they, and possibly their superiors, are doing to so many employees within the state. Jeff Stenseth introduces himself at meetings as the person who they bring in to get rid of staff but that it is not true. I have heard him say this on more than one occasion as has everyone else here. You do not get a reputation for something that is not deserved so of course it is true. I am not certain that he was trying to get rid of me. I do think they were getting rid of my position but there has to be a better way of doing this other than devaluing people that have given many years of service to this state and offering them nothing in return as far as other duties, a buy out or whatever. There are many instances where staff have been treated so badly that they quit or retire but I can't and won't speak for others. All anyone has to do is look at the turnover to know this as a fact. I do want my questions answered and this brought out in the open so hopefully going forward a better process can be in place that treats employees with dignity and respect. Neither of which I feel I was afforded. This is the reason unions are formed to protect employees from being treated the way I have been treated. I have never been a union member or even thought there was a need for unions prior to this but I am , unfortunately, realizing that there is a need. Thank you Becky Savaloja **From:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Sent:** Monday, December 20, 2021 4:33 PM **To:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Hi Becky, Thank you for your email, as well as your patience as I have looked into this issue. Based on the information I've been able to ascertain, it appears there was a statewide reorganization that occurred which impacted many different positions. Unfortunately I don't have answers to your specific questions; however, I think it's important that you get them. I also want to assure that you are aware of the grievance policy and your rights under that policy I am not sure if you are inferring that you wish to file a grievance, but regardless, you should receive an answer to the questions you have posed. Can you please confirm for me who you have received what notifications from? That will help me determine next steps. My initial thought is that Jeff Stenseth should be able to answer some of your questions, as he is the senior leader within your chain of command, but I am not certain who you have already talked to or asked these questions of. Also, if you have received any notifications in writing please send those to me. Thank you, Becky, for the work that you do. If you can let me know those two pieces of information I will be able to make some determination as to next steps. **Marcie Wuitschick, SHRM-CP, PHR** Director, Human Resources ND Department of Human Services 701-328-1290 mwuitschick@nd.gov **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 07, 2021 8:46 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** FW: Question---are you going to reply or confirm receipt of below email? **From:** Savaloja, Rebecca L. **Sent:** Friday, December 3, 2021 3:13 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** Question Marcie— Something has been bothering me and I would like your input on it. The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. That it was not only me but also my counterparts in the other human service centers in the state. I was told that part of my accounts payable duties and others that had the same position as me, were going to be done by the Business Managers and the rest of it was going to 2 office assistants at SEHSC who would take over the remainder of our duties statewide. I was told that this decision was made by Donna Aukland. I asked why those positions that were given to SEHSC staff were not posted internally for me or others to apply for and I did not receive an answer, even though Jeff Stenseth was in the meeting and would certainly know why his staff were just handed our duties. I was told that Donna would be giving us new job duties but there has been nothing so far and that the new duties would have nothing to do with anything that I had experience in. I am retiring in January (a little earlier than I intended because of this) and am very bitter that my 15 years with the state is ending this way. I know that the decisions that were made had nothing to do with my job performance because I was excellent in my position as everyone can attest to. What I would like from you is an explanation on how this can happen? How and why would I and others not have been able to at least apply for the job that was being taken away from us and just given to others with no notice? Is this a new direction the state is going in regards to how they treat state employees? Are you the person that can answer my questions or would it be legal or someone else? Your response will not change anything. I will retire in January but like I said, this has had an impact on my mental health and I feel that I am at least owed an explanation and should have asked for it months ago. Thank you Becky Savaloja Account Tech II Northeast Human Service Center
CC	doug@nd.gov, wstenehjem@nd.gov, jpesek@nd.gov
Attachments	image001[151777].png

Record 753

Sender Name	Wuitschick, Marcie D.
Sender Email	mwuitschick@nd.gov
Recipients	rsavaloja@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov
Subject	Re: Question---are you going to reply or confirm receipt of below email?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:51:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:51:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:51:43.000 PM

Body

Get Outlook for iOS
From: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Sent: Friday, January 7, 2022 2:10:56 PM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>; Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
Cc: Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

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Becky Savaloja
Account Tech II

From: Savaloja, Rebecca L.
Sent: Tuesday, January 4, 2022 8:56 AM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Cc: Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

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Sent: Wednesday, December 22, 2021 1:45 PM
To: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Cc: Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
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If you can let me know those two pieces of information I will be able to make some determination as to next steps. **Marcie Wuitschick, SHRM-CP, PHR** Director, Human Resources ND Department of Human Services 701-328-1290 mwuitschick@nd.gov **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 07, 2021 8:46 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** FW: Question---are you going to reply or confirm receipt of below email? **From:** Savaloja, Rebecca L. **Sent:** Friday, December 3, 2021 3:13 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** Question Marcie— Something has been bothering me and I would like your input on it. The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. 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CC	doug@nd.gov, wstenehjem@nd.gov, jpesek@nd.gov
Attachments	image001[11775].png

Record 754

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Sender Email	mwuitschick@nd.gov
Recipients	rsavaloja@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov, jpesek@nd.gov
Subject	Re: Question---are you going to reply or confirm receipt of below email?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:01:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:01:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:01:55.000 PM

Body

Becky, you are correct that I am out. I arranged for a colleague to contact you during my absence to discuss your concerns. Her name is Joanie Pesek and she is ccd on this email. I apologize if this email is duplicate - sending it from my phone.

I would again encourage you to follow your chain of command. You also have the employee grievance process available to you.

In a previous message you suggested that I talk to Donna Aukland and Jeff Stenseth. I do not know all of the questions you have. It would be most appropriate for you to start with Jeff as I believe he is next in your chain of command, but you have refused to do that .

Joanie will be reaching out to you.

Get Outlook for iOS
From: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Sent: Friday, January 7, 2022 2:10:56 PM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>; Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
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CC	doug@nd.gov, wstenehjem@nd.gov
Attachments	image001[15181].png

Record 755

Sender Name	Wuitschick, Marcie D.
Sender Email	mwuitschick@nd.gov
Recipients	rsavaloja@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov, jpesek@nd.gov
Subject	Re: Question---are you going to reply or confirm receipt of below email?
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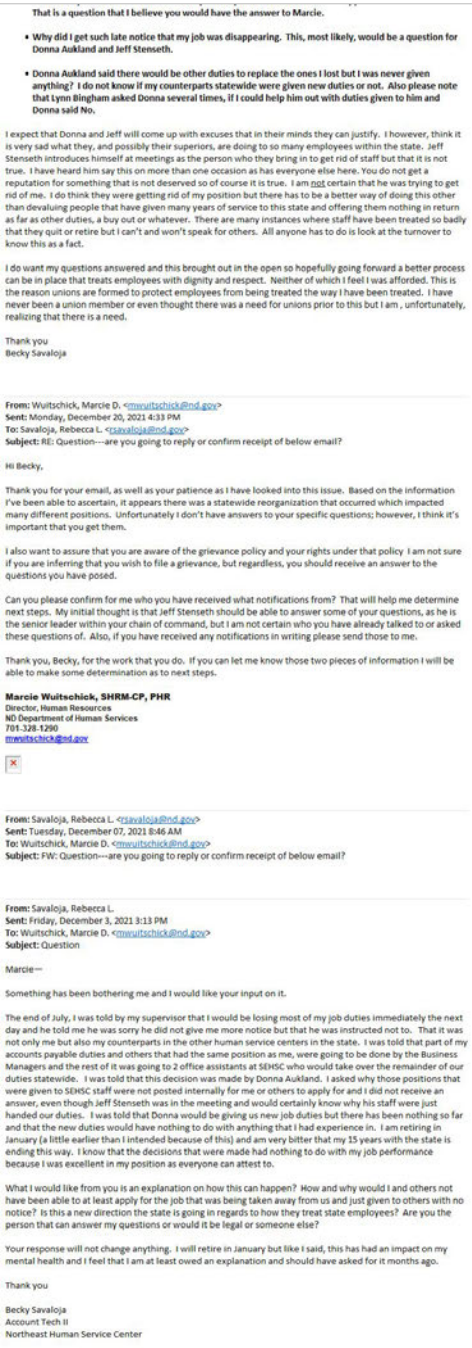
I am questioning what happened long after 15 days has past and just want a few answers before I retire. I have included others in this email because they need to know what is going on if they are not aware already. I am not going to personally talk to Jeff Stenseth or Donna Aukland about this because I am afraid of what they would potentially do to me. In further clarification: I received verbal notification in a meeting (no written notice) from Lynn Bingham with Jeff Stenseth present and a few other staff that were also having some minor duties removed. Again, Lynn apologized for not giving me more notice but said he was instructed not to! I just left Lynn Bingham's office and asked Lynn who he received the instruction from as far as giving me **no notice** that all my duties were being taken away. He said it was Donna Aukland. He said Donna, in meetings, told all business managers not to say anything to staff until they met with staff the end of July. The meeting occurred at the very end of July and I was told I was losing almost all of accounts payable duties immediately. There was another staff or two in the office that were also losing a few duties but I was the only one losing 90 percent or more along with others in my position in the state. I'm sure this was due to statewide reorganization. That is not the problem or the question. In the meeting it was said that some of my duties, going forward, were going to be required to be done by the business managers and the remainder was being given to two office assistants in SEHSC. I immediately asked why these 2 staff were just given all of my duties other than what the business manager was to do. Lynn Bingham threw out the response that their office was bigger or something to that effect, which of course I knew had nothing to do with anything. Jeff Stenseth sat there and said nothing regarding that. **My questions remain—** • **Why didn't the two office assistants have to apply for the jobs they got working on accounts payable for the whole state? Jobs that were taken from others statewide and just given to them? Is it not policy that these positions should have been opened up for me or others to have applied for if we wished?**

Body	
CC	doug@nd.gov, wstenehjem@nd.gov
Attachments	image001[11780].png

That is a question that I believe you would have the answer to Marcie.

- **Why did I get such late notice that my job was disappearing. This, most likely, would be a question for Donna Aukland and Jeff Stenseth.**
- **Donna Aukland said there would be other duties to replace the ones I lost but I was never given anything? I do not know if my counterparts statewide were given new duties or not. Also please note that Lynn Bingham asked Donna several times, if I could help him out with duties given to him and Donna said No.**

I expect that Donna and Jeff will come up with excuses that in their minds they can justify. I however, think it is very sad what they, and possibly their superiors, are doing to so many employees within the state. Jeff Stenseth introduces himself at meetings as the person who they bring in to get rid of staff but that it is not true. I have heard him say this on more than one occasion as has everyone else here. You do not get a reputation for something that is not deserved so of course it is true. I am not certain that he was trying to get rid of me. I do think they were getting rid of my position but there has to be a better way of doing this other than devaluing people that have given many years of service to this state and offering them nothing in return as far as other duties, a buy out or whatever. There are many instances where staff have been treated so badly that they quit or retire but I can't and won't speak for others. All anyone has to do is look at the turnover to know this as a fact.

I do want my questions answered and this brought out in the open so hopefully going forward a better process can be in place that treats employees with dignity and respect. Neither of which I feel I was afforded. This is the reason unions are formed to protect employees from being treated the way I have been treated. I have never been a union member or even thought there was a need for unions prior to this but I am , unfortunately, realizing that there is a need.

Thank you
Becky Savaloja

From: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Sent: Monday, December 20, 2021 4:33 PM
To: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

Hi Becky,

Thank you for your email, as well as your patience as I have looked into this issue. Based on the information I've been able to ascertain, it appears there was a statewide reorganization that occurred which impacted many different positions. Unfortunately I don't have answers to your specific questions; however, I think it's important that you get them.

I also want to assure that you are aware of the grievance policy and your rights under that policy I am not sure if you are inferring that you wish to file a grievance, but regardless, you should receive an answer to the questions you have posed.

Can you please confirm for me who you have received what notifications from? That will help me determine next steps. My initial thought is that Jeff Stenseth should be able to answer some of your questions, as he is the senior leader within your chain of command, but I am not certain who you have already talked to or asked these questions of. Also, if you have received any notifications in writing please send those to me.

Thank you, Becky, for the work that you do. If you can let me know those two pieces of information I will be able to make some determination as to next steps.

Marcie Wuitschick, SHRM-CP, PHR
Director, Human Resources
ND Department of Human Services
701-328-1290
mwuitschick@nd.gov

From: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Sent: Tuesday, December 07, 2021 8:46 AM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Subject: FW: Question---are you going to reply or confirm receipt of below email?

From: Savaloja, Rebecca L.
Sent: Friday, December 3, 2021 3:13 PM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Subject: Question

Marcie—

Something has been bothering me and I would like your input on it.

The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. That it was not only me but also my counterparts in the other human service centers in the state. I was told that part of my accounts payable duties and others that had the same position as me, were going to be done by the Business Managers and the rest of it was going to 2 office assistants at SEHSC who would take over the remainder of our duties statewide. I was told that this decision was made by Donna Aukland. I asked why those positions that were given to SEHSC staff were not posted internally for me or others to apply for and I did not receive an answer, even though Jeff Stenseth was in the meeting and would certainly know why his staff were just handed our duties. I was told that Donna would be giving us new job duties but there has been nothing so far and that the new duties would have nothing to do with anything that I had experience in. I am retiring in January (a little earlier than I intended because of this) and am very bitter that my 15 years with the state is ending this way. I know that the decisions that were made had nothing to do with my job performance because I was excellent in my position as everyone can attest to.

What I would like from you is an explanation on how this can happen? How and why would I and others not have been able to at least apply for the job that was being taken away from us and just given to others with no notice? Is this a new direction the state is going in regards to how they treat state employees? Are you the person that can answer my questions or would it be legal or someone else?

Your response will not change anything. I will retire in January but like I said, this has had an impact on my mental health and I feel that I am at least owed an explanation and should have asked for it months ago.

Thank you

Becky Savaloja
Account Tech II
Northeast Human Service Center

Record 756

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndaghd@nd.gov
Subject	STENEHJEM: GIFT CARD SCAMS ON THE INCREASE
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:04:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:04:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:04:37.000 AM

Body	**NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-328-2213* December 13, 2021 **STENEHJEM: GIFT CARD SCAMS ON THE INCREASE** BISMARCK, ND – As the holidays approach, Attorney General Wayne Stenehjem reminds North Dakotans that gift cards are for gifts. "Only buy gift cards if you are giving them as gifts to family or friends, because gift cards are a favorite tool used by scam artists," cautioned Stenehjem. According to the Federal Trade Commission, many gift card scams start with a phone call from someone impersonating a government agency. Scammers may claim that they will freeze your accounts or threaten to arrest you, unless you make an immediate payment. The scammers will even stay on the phone with their victims while they go to the store to purchase specific gift cards or a prepaid card. Once the victim has purchased the gift cards, the scam artist asks them for the numbers on the back of the cards. Those numbers are all anyone needs to go online from anywhere in the world and transfer the balance of the gift card into their own account. "No government agency *ever* accepts gift cards to pay a debt," Stenehjem warned. The Attorney General's Consumer Protection division reports that in the last two weeks, they have received nine reports from victims of gift card scams, with losses totaling $45,000. The victims, who range in age from 26 to 75, reportedly fell for different versions of the scam, including: • telephone calls from fake government officials threatening the victim would lose their benefits; • phony sweepstakes officials pretending the victim had won a prize but needed to make an upfront payment; • fake online job listings; and • false account payment error emails supposedly from Amazon and other well- known businesses. "The one thing all these scams had in common is that the victim was told to purchase prepaid cards and gift cards," said Parrell Grossman, director of the Consumer Protection division. "The government and legitimate companies do not demand that you make payments using gift cards. If that is what you are told, it is guaranteed to be a scam," he continued. ### ###

Record 757

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$100,000 POWERBALL PRIZE WON IN WILLISTON
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:24:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:24:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:24:46.000 AM

Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 December 13, 2021 **$100,000 POWERBALL PRIZE WON IN WILLISTON** Bismarck – A lucky North Dakota Powerball player hit it big for the holidays with a lucky ticket! A $100,000 Powerball with Power Play ticket for Saturday night's draw won by matching four white balls and the Powerball. The winning numbers were 3, 25, 44, 53, 64 and the Powerball was 10. The Power Play multiplier was 2. The lucky ticket was sold at Simonson Station Store #6, 1409 2nd Avenue West, in Williston. The prize was $50,000, but as the player had also purchased the Power Play option, the ticket is worth $100,000. Simonson Station Store #6 will receive a $2,000 bonus for selling the winning Powerball ticket. No one has contacted the Lottery office to claim the prize. Winners have 180 days from the date of the drawing to claim their prize. Prizes over $599 must be claimed at the North Dakota Lottery office, which recently moved and is now located at 1720 Burlington Drive Suite C in Bismarck. The Powerball jackpot for the Monday, December 13 draw is $320 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 758

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$100,000 POWERBALL PRIZE CLAIMED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 10:14:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 10:14:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 10:14:16.000 AM
Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 December 16, 2021 **$100,000 POWERBALL PRIZE CLAIMED** BISMARCK, ND – A North Dakota Powerball player claimed the $100,000 Powerball prize won on the December 11 draw, just in time for the holidays! The lucky winner from Williston, who chose to remain anonymous, hit it big with a quick pick ticket. The winner plans to use the winnings to payoff some bills and enjoy not having to worry about them anymore. The Powerball jackpot for the Saturday, December 18 draw is $353 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 759

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$100,000 POWERBALL PRIZE CLAIMED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 10:14:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 10:14:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 10:14:16.000 AM
Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 December 16, 2021 **$100,000 POWERBALL PRIZE CLAIMED** BISMARCK, ND – A North Dakota Powerball player claimed the $100,000 Powerball prize won on the December 11 draw, just in time for the holidays! The lucky winner from Williston, who chose to remain anonymous, hit it big with a quick pick ticket. The winner plans to use the winnings to payoff some bills and enjoy not having to worry about them anymore. The Powerball jackpot for the Saturday, December 18 draw is $353 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 760

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Opinion: ETHICS COMMISSION RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 12:43:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 12:43:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 12:43:15.000 PM

Body	A new Attorney General's Opinion has been issued: Opinion #: 2021-L-04 Date issued: December 30, 2021 Issued to: Ethics Commission Request: Is Article XIV Section 2(5) of the North Dakota State Constitution an unconstitutional restriction of the First Amendment freedom of association, because of its restriction on campaign contributions? Conclusion: Section 2(5) requires recusal of a public official in a quasi-judicial role where there is an appearance of bias to a reasonable person in order to provide a fair tribunal for adjudication of the issue. It does not restrict a party's political speech. Because ND Const. art XIV, Section 2(5) requires recusal and does not limit political speech, it is not manifestly contrary to the federal constitution and therefore, likely to be upheld by a court of competent jurisdiction. You can view this opinion at: **ETHICS COMMISSION RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS** The requirement for recusal of a public official if there is an appearance of bias to a reasonable person is not manifestly contrary to the federal constitution and therefore likely to be upheld by a court of competent jurisdiction. https://attorneygeneral.nd.gov/sites/ag/files/documents/Opinions/2021/Letter/2021-L-04.pdf North Dakota Office of Attorney General Wayne Stenehjem Attorney General

Record 761

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Opinion: ETHICS COMMISSION RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 12:43:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 12:43:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 12:43:15.000 PM
Body	A new Attorney General's Opinion has been issued: Opinion #: 2021-L-04 Date issued: December 30, 2021 Issued to: Ethics Commission Request: Is Article XIV Section 2(5) of the North Dakota State Constitution an unconstitutional restriction of the First Amendment freedom of association, because of its restriction on campaign contributions? Conclusion: Section 2(5) requires recusal of a public official in a quasi-judicial role where there is an appearance of bias to a reasonable person in order to provide a fair tribunal for adjudication of the issue. It does not restrict a party's political speech. Because ND Const. art XIV, Section 2(5) requires recusal and does not limit political speech, it is not manifestly contrary to the federal constitution and therefore, likely to be upheld by a court of competent jurisdiction. You can view this opinion at: **ETHICS COMMISSION RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS** The requirement for recusal of a public official if there is an appearance of bias to a reasonable person is not manifestly contrary to the federal constitution and therefore likely to be upheld by a court of competent jurisdiction. https://attorneygeneral.nd.gov/sites/ag/files/documents/Opinions/2021/Letter/2021-L-04.pdf North Dakota Office of Attorney General Wayne Stenehjem Attorney General

Record 762

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Opinion: GROSS PRODUCTION AND OIL EXTRACTION TAX REVENUE
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:15:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:15:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:15:27.000 PM
Body	A new Attorney General's Opinion has been issued: Opinion #: 2022-L-01 Date issued: January 4, 2022 Issued to: Thomas Beadle, State Treasurer Request: How should the state's share of revenue from wells located on reservation lands be allocated? Conclusion: The portion of the gross production and oil extraction tax revenue derived from oil and gas exploration and production within the exterior boundaries of the reservations and on trust properties outside reservation boundaries, which is distributed directly to the tribes pursuant to N.D.C.C. ch. 57-51.2, should not be included in the definition of revenue when making constitutional allocations of oil and gas revenues under N.D. Const. art. X. You can view this opinion at: **GROSS PRODUCTION AND OIL EXTRACTION TAX REVENUE** When distributing funds, the Treasurer should not take into account the gross production and oil extraction tax revenue derived from oil and gas exploration and production from wells located on reservation lands. https://attorneygeneral.nd.gov/sites/ag/files/documents/Opinions/2022/Legal/2022-L-01.pdf North Dakota Office of Attorney General Wayne Stenehjem Attorney General

Record 763

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Opinion: GROSS PRODUCTION AND OIL EXTRACTION TAX REVENUE
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:15:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:15:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:15:27.000 PM

Body	A new Attorney General's Opinion has been issued: Opinion #: 2022-L-01 Date issued: January 4, 2022 Issued to: Thomas Beadle, State Treasurer Request: How should the state's share of revenue from wells located on reservation lands be allocated? Conclusion: The portion of the gross production and oil extraction tax revenue derived from oil and gas exploration and production within the exterior boundaries of the reservations and on trust properties outside reservation boundaries, which is distributed directly to the tribes pursuant to N.D.C.C. ch. 57-51.2, should not be included in the definition of revenue when making constitutional allocations of oil and gas revenues under N.D. Const. art. X. You can view this opinion at: **GROSS PRODUCTION AND OIL EXTRACTION TAX REVENUE** When distributing funds, the Treasurer should not take into account the gross production and oil extraction tax revenue derived from oil and gas exploration and production from wells located on reservation lands. https://attorneygeneral.nd.gov/sites/ag/files/documents/Opinions/2022/Legal/2022-L-01.pdf North Dakota Office of Attorney General Wayne Stenehjem Attorney General

Record 764

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$100,000 POWERBALL PRIZE WON IN BISMARCK
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:30.000 AM
Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 6, 2022 **$100,000 POWERBALL PRIZE WON IN BISMARCK** Bismarck, ND - A lucky North Dakota Powerball player started 2022 with a bang! A $100,000 Powerball with Power Play ticket for last night's draw won big by matching four white balls and the Powerball. The winning numbers were 6, 14, 25, 33, 46 and the Powerball was 17. The Power Play multiplier was 2. The lucky ticket was sold at Horizon Market, 125 Durango Drive, in Bismarck. The prize was $50,000, but as the player had also purchased the Power Play option, the ticket is worth $100,000. Horizon Market will receive a $2,000 bonus for selling the winning Powerball ticket. No one has contacted the Lottery office to claim the prize. "We are extremely excited here at the Lottery office," said Randy Miller, director of the North Dakota Lottery. "What a great way for a North Dakota Powerball player to ring in the New Year, with a six-figure win!" Winners have 180 days from the date of the drawing to claim their prize. The Powerball jackpot for the Saturday, January 8 draw is $20 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 765

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$100,000 POWERBALL PRIZE WON IN BISMARCK
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:30.000 AM
Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 6, 2022 **$100,000 POWERBALL PRIZE WON IN BISMARCK** Bismarck, ND - A lucky North Dakota Powerball player started 2022 with a bang! A $100,000 Powerball with Power Play ticket for last night's draw won big by matching four white balls and the Powerball. The winning numbers were 6, 14, 25, 33, 46 and the Powerball was 17. The Power Play multiplier was 2. The lucky ticket was sold at Horizon Market, 125 Durango Drive, in Bismarck. The prize was $50,000, but as the player had also purchased the Power Play option, the ticket is worth $100,000. Horizon Market will receive a $2,000 bonus for selling the winning Powerball ticket. No one has contacted the Lottery office to claim the prize. "We are extremely excited here at the Lottery office," said Randy Miller, director of the North Dakota Lottery. "What a great way for a North Dakota Powerball player to ring in the New Year, with a six-figure win!" Winners have 180 days from the date of the drawing to claim their prize. The Powerball jackpot for the Saturday, January 8 draw is $20 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 766

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$100,000 POWERBALL PRIZE CLAIMED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:02:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:02:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:02:43.000 AM

Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 7, 2022 **$100,000 POWERBALL PRIZE CLAIMED** BISMARCK, ND – A North Dakota Powerball player claimed the $100,000 Powerball prize won on the January 5 draw. The lucky winner from Bismarck, who chose to remain anonymous, hit it big with a quick pick ticket. The winner plans to use the winnings to payoff some bills and enjoy having a bit of a savings buffer for the coming year. The Powerball jackpot for the Saturday, January 8 draw is $20 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 767

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$100,000 POWERBALL PRIZE CLAIMED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:02:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:02:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 11:02:43.000 AM
Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 7, 2022 **$100,000 POWERBALL PRIZE CLAIMED** BISMARCK, ND – A North Dakota Powerball player claimed the $100,000 Powerball prize won on the January 5 draw. The lucky winner from Bismarck, who chose to remain anonymous, hit it big with a quick pick ticket. The winner plans to use the winnings to payoff some bills and enjoy having a bit of a savings buffer for the coming year. The Powerball jackpot for the Saturday, January 8 draw is $20 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 768

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:56:13.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:56:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:56:13.000 PM
Body	**NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-328-2213* January 13, 2022 **Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates** I am pleased that the Supreme Court, by a 6- 3 vote, held that the federal Occupational Safety & Health Administration lacked constitutional authority under its "workplace safety" regulations to impose a vaccine mandate that would have affected more than 80 million employees across the country. As the Supreme Court majority opinion stated, "Although Congress has indisputably given OSHA the power to regulate occupational dangers, it has not given that agency the power to regulate public health more broadly." I can appreciate the distinction the Supreme Court made between the OSHA mandate for workers generally and the CMS mandates for medical workers, but I continue to have serious concerns about the effect the ruling will have on retaining health care workers, many of whom may elect to simply quit rather than get the vaccine, seriously exacerbating staffing issues, especially in our rural medical facilities. As I have emphasized from the beginning, the lawsuits were not about whether people should get vaccinated, they were about opposing federal overreach. Two other lawsuits continue, one against the federal mandate for federal contractors, and the other for employees, volunteers, and children with Head Start programs. # ##

Record 769

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisio ns on vaccine mandates
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:56:13.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:56:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:56:13.000 PM

Body	**NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-328-2213* January 13, 2022 **Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates** I am pleased that the Supreme Court, by a 6- 3 vote, held that the federal Occupational Safety & Health Administration lacked constitutional authority under its "workplace safety" regulations to impose a vaccine mandate that would have affected more than 80 million employees across the country. As the Supreme Court majority opinion stated, "Although Congress has indisputably given OSHA the power to regulate occupational dangers, it has not given that agency the power to regulate public health more broadly." I can appreciate the distinction the Supreme Court made between the OSHA mandate for workers generally and the CMS mandates for medical workers, but I continue to have serious concerns about the effect the ruling will have on retaining health care workers, many of whom may elect to simply quit rather than get the vaccine, seriously exacerbating staffing issues, especially in our rural medical facilities. As I have emphasized from the beginning, the lawsuits were not about whether people should get vaccinated, they were about opposing federal overreach. Two other lawsuits continue, one against the federal mandate for federal contractors, and the other for employees, volunteers, and children with Head Start programs. ###

Record 770

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	ATTORNEY GENERAL STENEHJEM WORKS TO STOP INTERNATIONAL SCAM CALLS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 1:36:58.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 1:36:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 1:36:58.000 PM

Body	**NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-328-2213* January 14, 2022 **ATTORNEY GENERAL STENEHJEM WORKS TO STOP INTERNATIONAL SCAM CALLS** BISMARCK, ND – This week, Attorney General Wayne Stenehjem joined a bipartisan group of attorneys general in urging the Federal Communications Commission (FCC) to adopt measures to help stem the tide of foreign-based illegal robocalls that attempt to scam Americans. "Illegal robocalls are more than just a nuisance. Every day, my office receives reports from victims of these scam calls. Unfortunately, when consumers unwittingly respond to these calls, they may lose thousands of dollars, often with financially devastating results. I will continue my efforts to protect North Dakotans," said Stenehjem, who reminded consumers not to accept or return any of these calls under any circumstances. The comment letter, which was signed by the attorneys general from all 50 states, calls for the FCC to require "gateway providers" – companies that allow foreign calls into the United States – to take steps to reduce how easily robocalls have been able to enter the US telephone network, including requiring those providers to implement caller ID technology that helps prevent spoofed calls. The letter states that based upon consumer complaints, these fraudulent foreign-originated robocalls often involve caller ID spoofing US phone numbers. The attorneys general called on the FCC to take decisive action, stating "[T]he time has come to start cutting the strings that form the nets that these illegal robocallers cast over the public." The attorneys general asked the FCC to require these gateway providers to take additional steps to reduce robocalls, including to: • Block calls when providers are aware of an illegal or likely fraudulent caller. • Block calls that originate from numbers that are on a "do not originate" list – such as government phone numbers that take incoming calls only. • Ensure that foreign telephone companies they partner with are ensuring that calls are being made from legitimate numbers. • Respond to requests from law enforcement, state attorneys general, or the FCC to trace back calls within 24 hours. The attorneys general encouraged the FCC to require all phone companies to block calls from any gateway provider that fails to meet these requirements. Illegal robocalls are a scourge – in 2020, Americans lost more than $520 million through robocall scams. ### Read the Comment Letter: https://attorneygeneral.nd.gov/sites/ag/files/documents/MediaAttachments/2022-01-14-Robocalls-FCC.pdf

Record 771

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	ATTORNEY GENERAL STENEHJEM WORKS TO STOP INTERNATIONAL SCAM CALLS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 1:36:58.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 1:36:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 1:36:58.000 PM

Body	**NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-328-2213* January 14, 2022 **ATTORNEY GENERAL STENEHJEM WORKS TO STOP INTERNATIONAL SCAM CALLS** BISMARCK, ND – This week, Attorney General Wayne Stenehjem joined a bipartisan group of attorneys general in urging the Federal Communications Commission (FCC) to adopt measures to help stem the tide of foreign-based illegal robocalls that attempt to scam Americans. "Illegal robocalls are more than just a nuisance. Every day, my office receives reports from victims of these scam calls. Unfortunately, when consumers unwittingly respond to these calls, they may lose thousands of dollars, often with financially devastating results. I will continue my efforts to protect North Dakotans," said Stenehjem, who reminded consumers not to accept or return any of these calls under any circumstances. The comment letter, which was signed by the attorneys general from all 50 states, calls for the FCC to require "gateway providers" – companies that allow foreign calls into the United States – to take steps to reduce how easily robocalls have been able to enter the US telephone network, including requiring those providers to implement caller ID technology that helps prevent spoofed calls. The letter states that based upon consumer complaints, these fraudulent foreign-originated robocalls often involve caller ID spoofing US phone numbers. The attorneys general called on the FCC to take decisive action, stating "[T]he time has come to start cutting the strings that form the nets that these illegal robocallers cast over the public." The attorneys general asked the FCC to require these gateway providers to take additional steps to reduce robocalls, including to: • Block calls when providers are aware of an illegal or likely fraudulent caller. • Block calls that originate from numbers that are on a "do not originate" list – such as government phone numbers that take incoming calls only. • Ensure that foreign telephone companies they partner with are ensuring that calls are being made from legitimate numbers. • Respond to requests from law enforcement, state attorneys general, or the FCC to trace back calls within 24 hours. The attorneys general encouraged the FCC to require all phone companies to block calls from any gateway provider that fails to meet these requirements. Illegal robocalls are a scourge – in 2020, Americans lost more than $520 million through robocall scams. ### Read the Comment Letter: https://attorneygeneral.nd.gov/sites/ag/files/documents/MediaAttachments/2022-01-14-Robocalls-FCC.pdf

Record 772

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Opinion: UNREASONABLE DELAY IN RESPONDING TO RECORDS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:36:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:36:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:36:48.000 PM

Body	A new Attorney General's Opinion (Open Records/Meetings) has been issued: Opinion #: 2022-O-01 Date issued: January 19, 2022 Issued to: Stark County Commission Request: Did the Stark County Commission violate the open records laws by failing to respond to a request within a reasonable time and by improperly denying a record request? Conclusion: At the time Stark County received the request for records relating to finalist applications for a human resources position, the County was experiencing staff turnover, illness, and an election. As a result, the county took 11 days to acknowledge the response. The County initially denied the request on the ground that there were no finalists designated. When the County realized the denial was based on misinformation, it voluntarily provided the records. Although the initial denial was correct based on the information available at the time, and the county provided the records as soon as the error was realized, the delay acknowledging the request and eventually providing records was unreasonable. You can view this opinion at: **UNREASONABLE DELAY IN RESPONDING TO RECORDS** Stark County Commission violated the law when it took eleven days to acknowledge a request for records, failed to communicate with the requester about the delay, and ultimately took more than two months to provide the records. https://attorneygeneral.nd.gov/sites/ag/files/documents/Opinions/2022/OR-OM/2022-O-01.pdf North Dakota Office of Attorney General Wayne Stenehjem Attorney General

Record 773

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Opinion: UNREASONABLE DELAY IN RESPONDING TO RECORDS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:36:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:36:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:36:48.000 PM
Body	A new Attorney General's Opinion (Open Records/Meetings) has been issued: Opinion #: 2022-O-01 Date issued: January 19, 2022 Issued to: Stark County Commission Request: Did the Stark County Commission violate the open records laws by failing to respond to a request within a reasonable time and by improperly denying a record request? Conclusion: At the time Stark County received the request for records relating to finalist applications for a human resources position, the County was experiencing staff turnover, illness, and an election. As a result, the county took 11 days to acknowledge the response. The County initially denied the request on the ground that there were no finalists designated. When the County realized the denial was based on misinformation, it voluntarily provided the records. Although the initial denial was correct based on the information available at the time, and the county provided the records as soon as the error was realized, the delay acknowledging the request and eventually providing records was unreasonable. You can view this opinion at: **UNREASONABLE DELAY IN RESPONDING TO RECORDS** Stark County Commission violated the law when it took eleven days to acknowledge a request for records, failed to communicate with the requester about the delay, and ultimately took more than two months to provide the records. https://attorneygeneral.nd.gov/sites/ag/files/documents/Opinions/2022/OR-OM/2022-O-01.pdf North Dakota Office of Attorney General Wayne Stenehjem Attorney General

Record 774

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Opinion: HETTINGER PUBLIC SCHOOL VIOLATED OPEN MEETING LAW
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:46:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:46:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 4:46:20.000 PM
Body	A new Attorney General's Opinion (Open Records/Meetings) has been issued: Opinion #: 2022-O-02 Date issued: January 19, 2022 Issued to: Hettinger Public School Request: Did Hettinger Public School violate the open meetings laws by failing to properly describe the subject matter and legal authority before entering an executive session and by holding an unauthorized executive session? Conclusion: At its regular meeting, the Hettinger School Board received a letter from the Hettinger Agriculture Education Advisory Board Committee recommending that a part-time teaching position become full-time. The Board then passed a motion to enter an executive session to "discuss negotiating strategy." The meeting notice failed to provide any information to the public about the topic of the executive session. During the approximately 41-minute executive session no actual negotiation discussion took place; rather, the board members talked unrelated topics. The board's announcement before entering the executive session failed to convey a specific topic to be discussed. The executive session failed to meet the legal authority and the discussed topics outside the announced topics. In these respects, the Board violated the law. The Board must provide, at no cost, the recording or transcript of the executive session. You can view this opinion at: **HETTINGER PUBLIC SCHOOL VIOLATED OPEN MEETING LAW** Hettinger Public School Board violated the open meetings law by holding an executive session without the proper legal authority and then by discussing topics outside those that were announced. https://attorneygeneral.nd.gov/sites/ag/files/documents/Opinions/2022/OR-OM/2022-O-02.pdf North Dakota Office of Attorney General Wayne Stenehjem Attorney General

Record 775

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$150,000 POWERBALL PRIZE WON IN BISMARCK
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:57.000 AM

Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 20, 2022 **$150,000 POWERBALL PRIZE WON IN BISMARCK** Bismarck, ND – A lucky North Dakota Powerball player continues the big winning in January! A $150,000 Powerball with Power Play ticket for last night's draw won big by matching four white balls and the Powerball. The winning numbers were 11, 15, 43, 55, 61 and the Powerball was 10. The Power Play multiplier was 3. The lucky ticket was sold at Superpumper #80246, 1833 East Main Avenue, in Bismarck. The prize was $50,000, but as the player had also purchased the Power Play option, the ticket is worth $150,000. Superpumper will receive a $2,000 bonus for selling the winning Powerball ticket. No one has contacted the Lottery office to claim the prize. "January has been an extremely lucky month for North Dakota Powerball players," said Randy Miller, director of the North Dakota Lottery. "Since 2018, January has produced four $100,000 Powerball winners, one $150,000 winner and two $1 Million winners." Winners have 180 days from the date of the drawing to claim their prize. The Powerball jackpot for the Saturday, January 22 draw is $76 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 776

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$150,000 POWERBALL PRIZE WON IN BISMARCK
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:57.000 AM

Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 20, 2022 **$150,000 POWERBALL PRIZE WON IN BISMARCK** Bismarck, ND – A lucky North Dakota Powerball player continues the big winning in January! A $150,000 Powerball with Power Play ticket for last night's draw won big by matching four white balls and the Powerball. The winning numbers were 11, 15, 43, 55, 61 and the Powerball was 10. The Power Play multiplier was 3. The lucky ticket was sold at Superpumper #80246, 1833 East Main Avenue, in Bismarck. The prize was $50,000, but as the player had also purchased the Power Play option, the ticket is worth $150,000. Superpumper will receive a $2,000 bonus for selling the winning Powerball ticket. No one has contacted the Lottery office to claim the prize. "January has been an extremely lucky month for North Dakota Powerball players," said Randy Miller, director of the North Dakota Lottery. "Since 2018, January has produced four $100,000 Powerball winners, one $150,000 winner and two $1 Million winners." Winners have 180 days from the date of the drawing to claim their prize. The Powerball jackpot for the Saturday, January 22 draw is $76 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 777

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Interview request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:35:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:35:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:35:33.000 PM

Body	I forgot to send this to you earlier. Do you want to do an interview on either/both of the topics? Liz **From:** Reuter, Micheal <mreuter@cherrycreekmedia.com> **Sent:** Wednesday, January 19, 2022 8:33 PM **To:** -Info-Attorney General <ndag@nd.gov> **Cc:** Travers, Robin <rshepherd@cherrycreekradio.com> **Subject:** Interview request ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, I am reaching out to see if the AG would be able to have a short interview to talk about the Anti-Corporate farming laws in the state, and recent legislative challenges. If that subject is off the table, we would still love to have the AG on to talk about his tenure as AG and what are his plans for the future. Thanks, *Mike Reuter* *News Anchor* *Cherry Creek Media* *Williston-Sidney* *(701) 572-5371 (o)* *(701) 240-5563 (c)* Cherry Creek Radio does not discriminate in advertising sales based on race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made a part of a particular contract, will be rejected.

Record 778

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Subject	FW: Interview request
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:35:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:35:33.000 PM

Record 779

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$150,000 POWERBALL PRIZE CLAIMED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:05:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:05:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:05:52.000 PM

Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 21, 2022 **$150,000 POWERBALL PRIZE CLAIMED** BISMARCK, ND – A North Dakota Powerball player claimed the $150,000 Powerball prize won on the January 19 draw. The lucky winner from Bismarck, who chose to remain anonymous, hit it big with a quick pick ticket. The winner did not think she won very much at first glance of her ticket. After a funny feeling that she better check again, she realized the ticket was worth six-figures! The winner plans to use the winnings to pay off some bills. The Powerball jackpot for the Saturday, January 22 draw is $76 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 780

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	$150,000 POWERBALL PRIZE CLAIMED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:05:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:05:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:05:52.000 PM
Body	**NEWS RELEASE – NORTH DAKOTA LOTTERY** www.lottery.nd.gov *For immediate release* Contact: Ryan Koppy (701) 328-1574 January 21, 2022 **$150,000 POWERBALL PRIZE CLAIMED** BISMARCK, ND – A North Dakota Powerball player claimed the $150,000 Powerball prize won on the January 19 draw. The lucky winner from Bismarck, who chose to remain anonymous, hit it big with a quick pick ticket. The winner did not think she won very much at first glance of her ticket. After a funny feeling that she better check again, she realized the ticket was worth six-figures! The winner plans to use the winnings to pay off some bills. The Powerball jackpot for the Saturday, January 22 draw is $76 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 781

Sender Name	-Info-Attorney General
Sender Email	ndag@nd.gov
Recipients	ndagnews@nd.gov
Subject	Attorney General Wayne Stenehjem
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:03:06.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:03:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 7:03:07.000 PM
Body	**NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-391-0050* January 28, 2022 **Attorney General Wayne Stenehjem** BISMARCK, ND – It is with the utmost sadness that the Office of Attorney General announces that Attorney General Wayne Stenehjem passed away unexpectedly on Friday January 28, 2022. He was 68. We know Wayne was a widely respected and well- known public figure, but we ask that his family be allowed time to grieve in private. Funeral arrangements are pending with Bismarck Funeral Home, for both public and private services. • Media inquiries - Liz Brocker, 701-391-0050, lbrocker@nd.gov. # ##

Record 782

Sender Name	State of North Dakota
Sender Email	ndalert@ndalert.nd.gov
Recipients	wstenehjem@nd.gov
Subject	Message Testing Bank of North Dakota's Emergency Contact System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 9:53:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 9:53:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 9:53:20.000 AM
Body	This is a test of BND's Emergency Contact System that would be used if there were a weather-related closure or other event impacting our ability to serve you. If you do not wish to be on this contact list or would like someone else in your organization included, please contact BND Communications Manager Janel Schmitz at janelschmitz@nd.gov. The sender provided the following contact information. Sender's Name: State of North Dakota Sender's Email: janelschmitz@nd.gov Sender's Contact Phone: 17013280911

Record 783

Sender Name	State of North Dakota
Sender Email	ndalert@ndalert.nd.gov
Recipients	wstenehjem@nd.gov
Subject	Message Testing Bank of North Dakota's Emergency Contact System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 9:53:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 9:53:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 9:53:20.000 AM

Body	This is a test of BND's Emergency Contact System that would be used if there were a weather-related closure or other event impacting our ability to serve you. If you do not wish to be on this contact list or would like someone else in your organization included, please contact BND Communications Manager Janel Schmitz at janelschmitz@nd.gov. The sender provided the following contact information. Sender's Name: State of North Dakota Sender's Email: janelschmitz@nd.gov Sender's Contact Phone: 17013280911

Record 784

Sender Name	ndd_nef@ndd.uscourts.gov
Sender Email	ndd_nef@ndd.uscourts.gov
Recipients	CourtMail@ndd.uscourts.gov
Subject	Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Department o f Interior et al Order on Motion for Writ of Mandamus
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:49:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:48:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:49:30.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** *****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.** **U.S. District Court** **District of North Dakota** **Notice of Electronic Filing** The following transaction was entered on 1/14/2022 at 9:48 AM CST and filed on 1/14/2022 **Case Name:** State of North Dakota v. United States Department of Interior et al **Case Number:** 1:21-cv-00148-DMT-CRH **Filer:** **Document Number:**38 **Docket Text:** **ORDER by Judge Daniel M. Traynor denying [5] Motion for Writ of Mandamus. (CK)** **1:21-cv-00148-DMT-CRH Notice has been electronically mailed to:** Wayne K. Stenehjem wstenehjem@nd.gov Michael S. Freeman mfreeman@earthjustice.org, dramirez@earthjustice.org, eajusco@earthjustice.org, egreer@earthjustice.org Matthew A. Sagsveen masagsve@nd.gov, jthiel@nd.gov Paul M. Seby sebyp@gtlaw.com, DENLitDock@GTLAW.com, lawsu@gtlaw.com Thomas R. Delehanty tdelehanty@earthjustice.org, dramirez@earthjustice.org, eajusco@earthjustice.org, egreer@earthjustice.org Michael Sawyer michael.sawyer@usdoj.gov, Richard.McNeer@sol.doi.gov, WENDY.DORMAN@sol.doi.gov, christopher.rhymes@sol.doi.gov, efile_nrs.enrd@usdoj.gov, lisa.bruno@sol.doi.gov Melissa A Hornbein hornbein@westernlaw.org Kyle James Tisdel tisdel@westernlaw.org **1:21-cv-00148-DMT-CRH Notice will not be electronically mailed to:** The following document(s) are associated with this transaction: **Document description:**Main Document **Original filename:**n/a **Electronic document Stamp:** [STAMP dcecfStamp_ID=1102363164 [Date=1/14/2022] [FileNumber=1620497-0] [1e496e4efe6ab27ed6a9c91e70347084193e64000eed48c91ff3b5607e18f70b7c3 c46daf84c818d1c213a623850729cba5b6f4ea549d08653be5eebb5a3f096]]

Record 785

Sender Name	ndd_nef@ndd.uscourts.gov
Sender Email	ndd_nef@ndd.uscourts.gov
Recipients	CourtMail@ndd.uscourts.gov
Subject	Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Department o f Interior et al Order on Motion for Writ of Mandamus
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:49:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:48:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:49:30.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** *****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.** **U.S. District Court** **District of North Dakota** **Notice of Electronic Filing** The following transaction was entered on 1/14/2022 at 9:48 AM CST and filed on 1/14/2022 **Case Name:** State of North Dakota v. United States Department of Interior et al **Case Number:** 1:21-cv-00148-DMT-CRH **Filer:** **Document Number:**38 **Docket Text:** **ORDER by Judge Daniel M. Traynor denying [5] Motion for Writ of Mandamus. (CK)** **1:21-cv-00148-DMT-CRH Notice has been electronically mailed to:** Wayne K. Stenehjem wstenehjem@nd.gov Michael S. Freeman mfreeman@earthjustice.org, dramirez@earthjustice.org, eajusco@earthjustice.org, egreer@earthjustice.org Matthew A. Sagsveen masagsve@nd.gov, jthiel@nd.gov Paul M. Seby sebyp@gtlaw.com, DENLitDock@GTLAW.com, lawsu@gtlaw.com Thomas R. Delehanty tdelehanty@earthjustice.org, dramirez@earthjustice.org, eajusco@earthjustice.org, egreer@earthjustice.org Michael Sawyer michael.sawyer@usdoj.gov, Richard.McNeer@sol.doi.gov, WENDY.DORMAN@sol.doi.gov, christopher.rhymes@sol.doi.gov, efile_nrs.enrd@usdoj.gov, lisa.bruno@sol.doi.gov Melissa A Hornbein hornbein@westernlaw.org Kyle James Tisdel tisdel@westernlaw.org **1:21-cv-00148-DMT-CRH Notice will not be electronically mailed to:** The following document(s) are associated with this transaction: **Document description:**Main Document **Original filename:**n/a **Electronic document Stamp:** [STAMP dcecfStamp_ID=1102363164 [Date=1/14/2022] [FileNumber=1620497-0] [1e496e4efe6ab27ed6a9c91e70347084193e64000eed48c91ff3b5607e18f70b7c3 c46daf84c818d1c213a623850729cba5b6f4ea549d08653be5eebb5a3f096]]

Record 786

Sender Name	North Dakota State Library
Sender Email	ndslpa+nd.gov@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	News and Resources from the State Library
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 1:45:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 1:45:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 1:45:30.000 PM

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Body	{width:100%!important}
	
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Body	{font-size:28px!important} td.col-divided .editor-col {border-right:0px solid #000000!important; border-bottom:1px solid #000000!important} .col-divided {padding:0 20px!important} td.col-divided .editor-col .editor-text {padding-left:0px!important; padding-right:0px!important} td.col-divided .editor-col .editor-image.editor-image-hspace-on td {padding-left:0px!important; padding-right:0px!important} td.col-divided .editor-col .editor-button-container {padding-left:0px!important; padding-right:0px!important} td.col-divided .editor-col .editor-social td {padding-left:0px!important; padding-right:0px!important} td.col-divided .editor-col .block-margin {padding-left:0px!important; padding-right:0px!important} .action-block .poll-answer {width:100%!important; display:block!important} .action-block .poll-button {width:100%!important} div.MobileFooter {font-size:11px!important} td.FooterMobile {padding:0px 10px 0px 10px!important} td.MainCenter {width:100%!important} table.MainSide {display:none!important} img.MainSide {display:none!important} td.MainSide {display:none!important} .rsvp-button-inner {padding:0px 0px 10px 0px!important} .rsvp-button-outer {width:100%!important; max-width:100%!important} .footer-main-width {width:100%!important} .footer-mobile-hidden {display:none!important} .footer-mobile-hidden {display:none!important} .footer-column

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	</style></head><body class="body" align="center" bgcolor="#BFBFBF" style="width:100%; min-width:100%; background-color:#BFBFBF; margin:0px; padding:0px"> ***** CAUTION: This email or iginated from an outside source. Do not click links or open attachments unless you know th ey are safe. ***** <table class="template-body" border="0" cellpadding="0" cellspacing="0" width="100%" style="text-align:center; min-width:100%"><tbody><tr><td clas s="preheader-container"> <img src="https://r20.rs6.net/on.jsp?ca=1f2655b0-3f15-4c4f-8113-12c0d34 d615a&a=1134781726556&c=41abd268-f9c4-11ea-99df-d4ae5292c47d&ch=41d3c246-f9c4-
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Body	com/letters/images/sys/S.gif" style="display:block; height:1px; width:5px"> </td></tr ></tbody></table></td></tr></tbody></table> </td></tr></tbody></table><table width="1 00%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-editor" style="mi n-width:100%"><tbody><tr><td class=" editor-col OneColumnMobile" width="20%" align="" vali gn="top" bgcolor="FFFFFF" style="background-color:rgb(255,255,255)"> <div clas s="gl-contains-image"><table class="editor-image editor-image-hspace-on" width="100%" cell padding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td align="left" valign="top" style="padding:0px 10px 0px 20px"> <img alt="" class="" width="104" border="0" hspace="0" vspace="0" src="https://file s.constantcontact.com/c5ff2463801/7750a341-5848-4a70-9250-eba9678d03a2.png?rdr=true" style ="display:block; height:auto!important; max-width:100%!important"> </td></tr></t body></table> </td><td class=" editor-col OneColumnMobile" width="80%" align="" valig n="top" bgcolor="FFFFFF" style="background-color:rgb(255,255,255)"> <table class="editor-image editor-image editor-image-hspace-on" width="100%" cellp adding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td align="right" valign="top" style="padding:0px 20px 0px 10px"> <img alt="" class="" width="506" border=" 0" hspace="0" vspace="0" src="https://files.constantcontact.com/c5ff2463801/ff9f0493-4771- 4ned-lay, Jan 17 13, 2024.png?rdr=true" style="display:block; height:auto!important; max-widt h:100%!important"> </td></tr></tbody></table> </td></tr></tbody></table><ta ble width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-edito r" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobile" width="100%"

Body	s="gl-contains-text"><table width="100%" cellpadding="0" cellspacing="0" border="0" style= "min-width:100%"><tbody><tr><td class="editor-text headline-text" align="left" valign="top " style="font-family:Arial,Verdana,Helvetica,sans-serif; font-size:24px; color:#000000; te xt-align:center; display:block; word-wrap:break-word; line-height:1.2; font-weight:bold; p adding:10px 20px"> <d iv align="right" style="text-align:right">Volume 67, Issue 4 | January 27, 2022 </td></tr></tbody></table> </td></tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border ="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody><tr><td class=" editor -col OneColumnMobile" width="100%" align="" valign="top"> <table class="editor-divider" width="100%" cellpadding="0" cellspacing="0" border="0" styl e="min-width:100%"><tbody><tr><td class="" align="center" valign="top"><table width="100%" class="galileo-ap-content-editor" style="min-width:100%"><tbody><tr><td class="divider-ba se divider-solid" width="100%" align="center" valign="top" style="padding:9px 0px"><table cellpadding="0" cellspacing="0" border="0" align="center" style="width:94%; min-width:94%; height:1px"><tbody><tr><td height="1" align="center" bgcolor="4AAEE2" style="background-c olor:rgb(74,174,226); padding-bottom:9px; border-bottom-style:none; height:1px; line-heigh t:1px"> <img alt="" width="5" height="1" border="0" hspace="0" vspace="0" src="https:/ /imgssl.constantcontact.com/letters/images/1101116784221/S.gif" style="display:block; heig ht:1px; width:5px"> </td></tr></tbody></table></td></tr></tbody></table></td></tr></t body></table> </td></tr></tbody></table><table width="100%" cellpadding="0" cellspaci ng="0" border="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody><tr><td c lass=" editor-col OneColumnMobile" width="100%" align="" valign="top"> <table class="editor-image editor-image editor-image-vspace-on" width="100%" c ellpadding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td align="cen ter" valign="top" style="padding-top:10px; padding-bottom:10px"> <img alt="" class="" wid th="634" border="0" hspace="0" vspace="0" src="https://files.constantcontact.com/c5ff24638 01/97639e23-37b6-4aa9-b9d8-aa0692f7532e.png?rdr=true" style="display:block; height:auto!im portant; max-width:100%!important"> </td></tr></tbody></table> </td></tr></ tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galile o-ap-layout-editor" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobi le" width="100%" align="" valign="top"> <table width="100%" c ellpadding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td class="edi tor-text editor-text " align="left" valign="top" style="font-family:Arial,Verdana,Helvetic

Body

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:14px; font-family:Arial,Verdana,Helvetica,sans-serif; color:rgb(14,16,26)">tâ€™s just aro
und the corner! Both the State Aid to Public Libraries application and the Public Librarie
s Survey (PLS) open next week, on Tuesday, February 1. The website continues to be </
span><a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fr20.rs6.ne
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Opinions<span style="font-size:14px; font-family:Arial,Verdana,Helvetica,sans-serif; c
olor:rgb(14,16,26)">, and the submission deadline is March 31, 2022. <div ali
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 <div align="justify" style="text-align:j
ustify"><span style="font-size:14px; color:rgb(14,16,26); font-family:Arial,Verdana,Helvet
ica,sans-serif">Please do not visit Counting Opinions prior to February 1. Both forms will
be briefly visible on and off until then for testing purposes, but they are not ready for
data entry.
 <div al
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font-family:Arial,Verdana,Helvetica,sans-serif">The walk-through webinar for the PLS will
be Wednesday, February 9, 2:00-3:30 CST. The walk-through webinar for State Aid to Public
Libraries will be Tuesday, February 15, 2:00-3:30 CST. Both webinars will be recorded, an
d the recordings will be posted to our YouTube channel soon after.
</
div> <span style="font-size:14px; color:rgb(14,16,26); font-family:Arial,Verdana,Helve
tica,sans-serif">Register for the PLS Walk-Through Webinar at <a hr
ef="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fr20.rs6.net%2Ftn.jsp
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Body	hnlUg<span style="font-size:14px; color:rgb(41,75,147); font-family:Arial,Verdana,Helv etica,sans-serif"> <span style="font-size:14px; color:rgb(14,16,26); font-fami ly:Arial,Verdana,Helvetica,sans-serif"> <div align="just ify" style="text-align:justify"><span style="font-size:14px; color:rgb(14,16,26); font-fam ily:Arial,Verdana,Helvetica,sans-serif">Informational LibGuides are available for both&nbs p;State Aid to Public Libraries<span styl e="font-size:14px; color:rgb(14,16,26); font-family:Arial,Verdana,Helvetica,sans-serif">&n bsp;and the Public Libraries Survey<span style="font-size:14px; color:rgb(14,16,26); f ont-family:Arial,Verdana,Helvetica,sans-serif">. <div align="justify" style=" text-align:justify"> <span style= "font-size:14px; color:rgb(14,16,26); font-family:Arial,Verdana,Helvetica,sans-serif">Ques tions regarding State Aid to Public Libraries can be directed to Allie Suko at 701-328-349 9 or asuko@nd.gov<span st

Body	ly:Arial,Verdana,Helvetica,sans-serif">Questions regarding the Public Libraries Survey can be directed to Kristen Northrup at 701-328-4681 or knorthrup@nd.gov. </td></tr></tbody></table> </td></tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobile" width="100%" align="" valign="top"> <table class="editor-divider" width="100%" cellpadding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td class="" align="center" valign="top"><table width="100%" class="galileo-ap-content-editor" style="min-width:100%"><tbody><tr><td class="divider-base divider-solid" width="100%" align="center" valign="top" style="padding:9px 0px"><table cellpadding="0" cellspacing="0" border="0" align="center" style="width:94%; min-width:94%; height:1px"><tbody><tr><td height="1" align="center" bgcolor="4AAEE2" style="background-color:rgb(74,174,226); padding-bottom:2px; border-bottom-style:none; height:1px; line-height:1px"> <img alt="" width="5" height="1" border="0" hspace="0" vspace="0" src="https://imgssl.constantcontact.com/letters/images/1101116784221/S.gif" style="display:block; height:1px; width:5px"> </td></tr></tbody></table></td></tr></tbody></table></td></tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobile" width="100%" align="" valign="top"> <table class="editor-image editor-image editor-image-vspace-on" width="100%" cellpadding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td align="center" valign="top" style="padding-top:10px; padding-bottom:10px"> <img alt="" class="" width="639" border="0" hspace="0" vspace="0" src="https://files.constantcontact.com/c5ff2463801/a49becc2-6a6f-435e-ab2b-6bf3ec54b7ca.jpg?rdr=true" style="display:block; height:auto!important; max-width:100%!important"> </td></tr></tbody></table> </td></tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobile" width="100%" align="" valign="top"> <table width="100%" cellpadding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td class="editor-text editor-text " align="left" valign="top " style="font-family:Arial,Verdana,Helvetica,sans-serif; font-size:14px; color:#111313; text-align:left; display:block; word-wrap:break-word; line-height:1.2; padding:10px 20px"> New Year, New(ish) Collection The <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fr20.rs6.net%2Ftn.jsp%3Ff%3D001Wt1QiAvyA2XlJRrp-uBGsEKj1K7ztbwNoXlpmVSeHd1DZYSHqEWXV7jbVrlJ3TWRP2xnO1y8E18hpkYW1KaGjtl3K-UNlQXL-wVh6h174saVkwlxM9kd8uz9dz2mAMuyPcWGDm8Qy9OrQ8doA-SYote9axhWA_h0SeoAEs5W3_-GrzE3_QNjlA%3D%3D%26c%3D0bvVIMWXWYauajuUzKzN3TCmXQF4ONEwsJ7k4LnWwcIAzO1n4IfyEQ%3D%3D%26ch%3DWhvPxL8TFV33ax0BpCSWTiLeRPmqYWjAEt0at55MWVDbjj2PWXpEpg%3D%3D&data=04%7C01%7Cwstenehjem%40nd.gov%7Cc267d6f1d4d84ac0137408d9e1cd90ac%7C2dea0464da514a88bae2b3db94bc0c54%7C0%7C0%7C637789095303555547%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=ay0kRgM9ymcTZSlexKzPeobgw9h9YEPk0aQ%2FAgmf2rY%3D&reserved=0" originalsrc="https://r20.rs6.net/tn.jsp?f=001Wt1QiAvyA2XlJRrp-uBGsEKj1K7ztbwNoXlpmVSeHd1DZYSHqEWXV7jbVrlJ3TWRP2xnO1y8E18hp

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or the multi-volume series of <a href="https://gcc02.safelinks.protection.outlook.
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Body	lock; word-wrap:break-word; line-height:1.2; padding:10px 20px"> <div class="tex t-container galileo-ap-content-editor"> <div align="justify" style="text-align:justify "><span style="font-size:14px; color:rgb(14,16,26); font-family:Arial,Verdana,Helvetica,sa ns-serif">For this weekâ€™s Tammyâ€™s Teaching Tidbit, Iâ€™m going to talk about teens. Pr ogramming for middle and high school students can present a major challenge, especially wh en combatting just how busy of lives teens typically live. The middle and high school year s offer more opportunities for classes and extracurriculars, as well as work outside of sc hool. Then, thereâ€™s the balance of keeping up with social groups, hopefully getting enou gh sleep, and finding time to maybe (just maybe) sit down for meals instead of eating on t he go. In short, teens have a lot going on, and school libraries want to fit into teensâ€™ priority lists! <di v align="justify" style="text-align:justify"><span style="font-size:14px; color:rgb(14,16, 26); font-family:Arial,Verdana,Helvetica,sans-serif">One of the best ways to accommodate f or teensâ€™ hectic schedules involves using passive or anti-program activities. Schadlich clarifies anti-programs as activities that are left up for an extended period (such as a w hole week) and can be conducted at teensâ€™ leisure (2015). Schadlichâ€™s book Cookin g Up Library Programs Teens and â€˜Tweens Will Love outlines various options for anti -programming ideas and is available at the North Dakota State Library. < /div> <div align="justify" style= "text-align:justify"><span style="font-size:14px; font-family:Arial,Verdana,Helvetica,sans -serif">Another way to draw in tweens and teens is through Teen Advisory Boards. A Teen Ad visory Board (TAB) puts teens at the forefront of their own library programming. TABs can be as active or inactive as their participants (and library personnel) want. Some activiti es TABs have been involved in include helping run school book fairs, creating promotional materials for the library, and planning and running events for peers. <div ali gn="justify" style="text-align:justify"> <div align="center" style="text-align:ce nter">Read More </td>< /tr></tbody></table> </td></tr></tbody></table><table width="100%" cellpadding="0" ce llspacing="0" border="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody><t r><td class=" editor-col OneColumnMobile" width="100%" align="" valign="top"><div class="g l-contains-divider"><table class="editor-divider" width="100%" cellpadding="0" cellspacing ="0" border="0" style="min-width:100%"><tbody><tr><td class="" align="center" valign="top" ><table width="100%" class="galileo-ap-content-editor" style="min-width:100%"><tbody><tr>< td class="divider-base divider-solid" width="100%" align="center" valign="top" style="padd

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line-height:1.2; padding:10px 0px"> <span class="article-heading-text" style="font-si
ze:18px; font-weight:bold; color:#000000">Minot Public Library extends remote activities a
s it...

Masks will now be required for certain children's programs at
the Minot Public Library. This comes as the library made the decision to continue with the
suspension of most in-person activities. Library Director Janet Anderson said the decisio
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Body	; padding:10px 20px"> North Dakota Parks and Recreation <div align="justify" styl e="text-align:justify">Many public libraries participate in the State Park Pass program, but have you ever checked out the Parks and Recreation we bsite to see what all you can do in our state parks? <sp an style="color:rgb(14,16,26)">The North Dakota Parks and Recreation Department invites yo u to discover the unique beauty and history of our great state. Retrace the steps and glim pse into the lives of the Native Americans, trappers, traders, homesteaders, and explorers who came before us. Traverse the rugged Badlands and heavily wooded valleys, hike through the extensive trail system, visit historical sites, camp out, canoe, fish, and enjoy the great outdoors. </di v> Learn all about what you and patrons can do in our state parks at <a href="https://g cc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fr20.rs6.net%2Ftn.jsp%3Ff%3D001Wt1 QiAvyA2XlJRrp-uBGsEKj1K7ztbwNoXlpmVSeHd1DZYSHqEWXV6PfkdWj52laOUnuw-rjqXv9_p2jlSF- MHANDn6QM 6BJFpxf4GFXN3MjhUXjRf8O632jMrRkXbl_Cwtl92QDz1YnXNwYfg5Z0w%3D%3D%26c%3D0bvVIMWXWYauajuUzKzN

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Body	eak-word; line-height:1.2; padding:10px 20px"> <div class="text-container galile o-ap-content-editor"> <span style="font- size:18px; font-weight:bold">Get Ready For World Read Aloud Day! <div al ign="center" style="text-align:center">Subm itted by Shari Mosser </td></tr></tbody></table> </td></tr></ tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galile o-ap-layout-editor" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobi le" width="100%" align="" valign="top"> <table width="100%" c ellpadding="0" cellspacing="0" border="0" style="min-width:100%"><tbody><tr><td class="edi tor-text editor-text " align="left" valign="top" style="font-family:Arial,Verdana,Helvetic a,sans-serif; font-size:14px; color:#111313; text-align:left; display:block; word-wrap:bre ak-word; line-height:1.2; padding:10px 20px"> <table class="editor-image OneColumnMobi le" align="right" cellpadding="0" cellspacing="0" border="0" style=""><tbody><tr><td class ="mobile-hidden" width="15" height="1" align="center" valign="top" style="height:1px; line -height:1px; padding:0px"><img alt="" width="15" height="1" border="0" hspace="0" vspace=" 0" src="https://imgssl.constantcontact.com/letters/images/sys/S.gif" style="display:block; height:auto; max-width:100%"> </td><td class="image-cell " align="center" valign="top" st yle="padding:0px"> <img alt="" cl ass="" width="138" border="0" hspace="0" vspace="0" src="https://files.constantcontact.com /c5ff2463801/b6a14ae3-22c9-4ac2-a035-a98e19c6af79.jpg?rdr=true" style="display:block; heig ht:auto!important; max-width:100%!important"> </td></tr><tr><td class="mobile-hi dden" width="5" height="5" align="center" valign="top" style="height:1px; line-height:1px; padding:0px"><img alt="" width="5" height="1" border="0" hspace="0" vspace="0" src="https ://imgssl.constantcontact.com/letters/images/sys/S.gif" style="display:block; height:auto; max-width:100%"> </td><td class="mobile-hidden" height="5" align="center" valign="top" st yle="height:5px; line-height:1px; padding:0px"><img alt="" width="1" height="5" border="0" hspace="0" vspace="0" src="https://imgssl.constantcontact.com/letters/images/sys/S.gif" s tyle="display:block; height:auto; max-width:100%"> </td></tr></tbody></table> <div cl ass="text-container galileo-ap-content-editor"> <div align="justify" style="text-align :justify">Joi n millions around the globe as we celebrate the power of reading aloud with the thirteenth annual World Read Aloud Day on Wednesday, February 2, 2022! <span style="font -size:14px; font-family:Arial,Verdana,Helvetica,sans-serif; color:rgb(96,96,96)">World </s

Body	pan>Read Alou d Day motivates children, teens, and adults to celebrate the power of words. This glo bal literacy movement is about taking action to show the world that the right to read and write belongs to all people. World Read Aloud Day asks everyone to celebrate the day by grabbing a book, finding an audience, and reading out loud. <div align="ju stify" style="text-align:justify"> <div align="justify" style="text-align:justify ">LitWorld fo unded the campaign to advocate for access to literacy and diverse stories, as well as the power of reading aloud - an activity that has an immensely powerful impact on childrenâ€™s development. â€œLitWorldâ€™s annual World Read Aloud Day has become a movement engaging h undreds of millions of people around the world in standing up for literacy as a foundation al human right,â€ says Dorothy Lee, Executive Director of LitWorld. â€œWhen communities h ave access to strong literacy tools, every aspect of life improves.â€ <div al ign="justify" style="text-align:justify"> <div align="justify" style="text-align: justify">Head on over to www.LitWorld.org so you c an join in the free virtual activities like author visits, live events and, other swag and activities. </td></tr></tbody></table> </td></tr></tbody></ table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-lay out-editor" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobile" widt h="100%" align="" valign="top"> <table class="editor-divid er" width="100%" cellpadding="0" cellspacing="0" border="0" style="min-width:100%"><tbody> <tr><td class="" align="center" valign="top"><table width="100%" class="galileo-ap-content -editor" style="min-width:100%"><tbody><tr><td class="divider-base divider-solid" width="1 00%" align="center" valign="top" style="padding:9px 0px"><table cellpadding="0" cellspacin g="0" border="0" align="center" style="width:94%; min-width:94%; height:1px"><tbody><tr><t d height="1" align="center" bgcolor="4AAEE2" style="background-color:rgb(74,174,226); padd ing-bottom:2px; border-bottom-style:none; height:1px; line-height:1px"> <img alt="" wi dth="5" height="1" border="0" hspace="0" vspace="0" src="https://imgssl.constantcontact.co m/letters/images/1101116784221/S.gif" style="display:block; height:1px; width:5px"> < /td></tr></tbody></table></td></tr></tbody></table></td></tr></tbody></table> </td></ tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="g alileo-ap-layout-editor" style="min-width:100%"><tbody><tr></tr></tbody></table><table wid th="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-editor" styl

Body	e="min-width:100%"><tbody><tr></tr></tbody></table><table width="100%" cellpadding="0" cel lspacing="0" border="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody><tr ></tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class ="galileo-ap-layout-editor" style="min-width:100%"><tbody><tr></tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-editor" s tyle="min-width:100%"><tbody><tr></tr></tbody></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-layout-editor" style="min-width:100%"><tbody> <tr><td class=" editor-col OneColumnMobile" width="100%" align="" valign="top"> <table width="100%" cellpadding="0" cellspacing="0" border="0" style="m in-width:100%"><tbody><tr><td class="editor-text editor-text " align="left" valign="top" s tyle="font-family:Arial,Verdana,Helvetica,sans-serif; font-size:14px; color:#111313; text- align:left; display:block; word-wrap:break-word; line-height:1.2; padding:10px 20px"> Teaching Black History through Media Literacy wit h Britannica! Submitted by Laurel Greene, B ritannica Digital Learning Join us next week for our webinar where we will explore Britannic aâ€™s resources to support learning about Black history while developing strategies to sup port media literacy skills in the classroom. A recording of the webinar will be provi ded to all who register! < /div> Register here : <a href="https://gcc02.s afelinks.protection.outlook.com/?url=https%3A%2F%2Fr20.rs6.net%2Ftn.jsp%3Ff%3D001Wt1QiAvyA 2XlJRrp- uBGsEKj1K7ztbwNoXlpmVSeHd1DZYSHqEWXV6PfkdWj52laZgidvX6oxYN43gjKO4eG9T7KVAiwsxm4IvM 4Iayhn2zKLLd1nvPf9Ta1y-ovHDEHzXOyfUZrLCxr0TH-1LkdgXcDfHOMpmzmqB1ErzQlNhgz0tNB- iO4ybha7uLsq CbhtVobQ_V1pEypEf1g7gojDw%3D%3D%26c%3D0bvVIMWXWYauajuUzKzN3TCmXQF4ONEwsJ7k4LnWwcIAzO1n4Ify

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zQKVmJIS/KlhEI5Hy2dLoRvQlaPsYGxXoqKVFcFEkIXzF3c2n7U59E=" rel="noopener noreferrer" target= "_blank" style="font-size:14px; color:rgb(41,75,147); font-family:Arial,Verdana,Helvetica, sans-serif; font-weight:bold; font-style:normal; text-decoration:underline">Tuesday, Febru ary 1 at 3 PM CT <a href="https://g cc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fr20.rs6.net%2Ftn.jsp%3Ff%3D001Wt1 QiAvyA2XlJRrp-uBGsEKj1K7ztbwNoXlpmVSeHd1DZYSHqEWXV6PfkdWj52lacoCxPAPfSHzb- 0ho_t27q7UNL2nuV 4hTNZ4YO3B2ZgwUW-fOTgX2WG-ANbzq5y23Te8HajafJ1kPP4mb3DMh- 5dPlnDhYBgbpSLRZyw0H197ttNILEP2cAU 04bDVVakBkoeIoGCfP_w9EP1annBb8Q%3D%3D%26c%3D0bvVIMWXWYauajuUzKzN3TCmXQF4ONEwsJ7k4LnWwcIAzO

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a=04%7C01%7Cwstenehjem%40nd.gov%7Cc267d6f1d4d84ac0137408d9e1cd90ac%7C2dea0464da514a88bae2b |

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Body	the community expectations regarding the libraryâ€™s pandemic response have left many lib rary workers experiencing trauma with very few places to turn for support. This ... Read more<b r>info people.org </td></tr></tbody></table></td></tr></tbody></table></td></tr></tb ody></table></td></tr></tbody></table></td></tr></tbody></table> <div class="gl-conta ins-web"><table class="editor-web" width="100%" cellpadding="0" cellspacing="0" border="0" ><tbody><tr><td class="" align="center" valign="top"><table width="100%" cellpadding="0" c ellspacing="0" border="0" class="galileo-ap-content-editor"><tbody><tr><td class="block-ma rgin web-content" width="100%" align="left" valign="top" style="padding:10px 10px 10px 20p x"><table width="100%" cellpadding="0" cellspacing="0" border="0"><tbody><tr><td class="we b-content-border" align="left" valign="top" bgcolor="#B7DAED" style="background-color:#B7D AED; padding:1px"><table width="100%" cellpadding="0" cellspacing="0" border="0"><tbody><t r><td class="web-content-inner" width="100%" align="left" valign="top" bgcolor="#ffffff" s tyle="background-color:#ffffff; padding:10px 20px"><table width="100%" cellpadding="0" cel lspacing="0" border="0"><tbody><tr><td class="editor-image" align="center" valign="top" st yle="padding-top:10px; padding-bottom:10px"> <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fr20.rs6.net%2Ftn.j sp%3Ff%3D001Wt1QiAvyA2XlJRrp-uBGsEKj1K7ztbwNoXlpmVSeHd1DZYSHqEWXV6PfkdWj52laE6myVz1- pji6C6 u1e2otUa8JE6sbpzyrKGOaklEChiJ7bQg_6s_XTiHz1nLx-KdiGGi0MpAnBlhsHvX01g4ECtGjJWPUtQFJDM9- viv9 sqWBnkVDSaj0ltlxuLYo_pOZQwSzCoqm5pUliqpg- 6toJwssyA3n5Qx2nKGdWKYp7mLT9nYqal2LYLhNHPGWlOvaKz bHxc8pcaU%3D%26c%3D0bvVIMWXWYauajuUzKzN3TCmXQF4ONEwsJ7k4LnWwclAzO1n4lfyEQ%3D%3D%26ch%3DWhv PxL8TFV33ax0BpCSWTiLeRPmqYWjAEt0at55MWVDbjj2PWXpEpg%3D%3D&data=04%7C01%7Cwstenehjem%40 nd.gov%7Cc267d6f1d4d84ac0137408d9e1cd90ac%7C2dea0464da514a88bae2b3db94bc0c54%7C0%7C0%7C637 789095303555547%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haW wiLCJXVCI6Mn0%3D%7C3000&sdata=ckPnHQQ95%2F5Ch%2BX1E1iSSvMVdiQehxecbS%2FiIfIEAEs%3D&amp ;reserved=0" originalsrc="https://r20.rs6.net/tn.jsp?f=001Wt1QiAvyA2XlJRrp-uBGsEKj1K7ztbwN oXlpmVSeHd1DZYSHqEWXV6PfkdWj52laE6myVz1- pji6C6u1e2otUa8JE6sbpzyrKGOaklEChiJ7bQg_6s_XTiHz1n Lx-KdiGGi0MpAnBlhsHvX01g4ECtGjJWPUtQFJDM9- viv9sqWBnkVDSaj0ltlxuLYo_pOZQwSzCoqm5pUliqpg-6to JwssyA3n5Qx2nKGdWKYp7mLT9nYqal2LYLhNHPGWlOvaKzbHxc8pcaU=&c=0bvVIMWXWYauajuUzKzN3TCmXQF 4ONEwsJ7k4LnWwclAzO1n4lfyEQ==&ch=WhvPxL8TFV33ax0BpCSWTiLeRPmqYWjAEt0at55MWVDbjj2PWXpEp

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 Read more lernerbooks.blog </td></tr></tbody></table>< /td></tr></tbody></table></td></tr></tbody></table></td></tr></tbody></table></td></tr></t body></table> <table class="editor-web" width="100%" cel lpadding="0" cellspacing="0" border="0"><tbody><tr><td class="" align="center" valign="top "><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-ap-content -editor"><tbody><tr><td class="block-margin web-content" width="100%" align="left" valign= "top" style="padding:10px 10px 10px 20px"><table width="100%" cellpadding="0" cellspacing= "0" border="0"><tbody><tr><td class="web-content-border" align="left" valign="top" bgcolor ="#B7DAED" style="background-color:#B7DAED; padding:1px"><table width="100%" cellpadding=" 0" cellspacing="0" border="0"><tbody><tr><td class="web-content-inner" width="100%" align= "left" valign="top" bgcolor="#ffffff" style="background-color:#ffffff; padding:10px 20px"> <table width="100%" cellpadding="0" cellspacing="0" border="0"><tbody><tr><td class="edito r-image" align="center" valign="top" style="padding-top:10px; padding-bottom:10px"><div al ign="center"> <a href="https://gcc02.safelinks.protection.outlook.co m/?url=https%3A%2F%2Fr20.rs6.net%2Ftn.jsp%3Ff%3D001Wt1QiAvyA2XlJRrp- uBGsEKj1K7ztbwNoXlpmVS eHd1DZYSHqEWXV6PfkdWj52laDHyWlN2wTrz4x4SWxbZC6GRDuZbP9- a45lYz2dPpJtKcScR1UvhdS7FTlTTln2Guj twTsMerKByLv23dTgR8zWgf4x44mNne_mpZP_8eku786_aJSV4mTbQkR6qj09rNdiKVn4v6hD1I60izjodrODwHsqF _l5M1kf- h35kTOkrpnqxOTA6F14ZTJXbHW6JMJr4bgGXMhcHPpagajDpUNnPy2fSnp0ygNNXpnS93bXTjtM4goiVIY fd9zFoupv6whP5U94bnkyCU4rkL0y9Kp1p8nSFuxlkicl0zTpLPT4W_XAjlNc0Fys-XIMuhf4k- NT1bOMKAN882LhT Rmjsd23WMarHC13_c2024MY1sQC-Qgl042nP7rA1NHCrllFGm- VDxokJLiDZbNM0hTyAAiXrM3OFhNrxQNxsxSFBy wobie9acHMnc- rvbWaG6PWHz3sH2nc2erw%3D%26c%3D0bvVIMWXWYauajuUzKzN3TCmXQF4ONEwsJ7k4LnWwcIAzO

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Body	ding:10px 0px"> <span class="article-heading-text" style="font-size:18px; font-weight: bold; color:#000000">Celebrate Library Shelfie Day with These Nine Library Grants<b r> In honor of Library Shelfie Day, which takes place on the fourth Wednesday in January, GrantWatch is sharing some of its favorite library grants that are currently avai lable. These grants include funding for school and public libraries, training...<br Read more< br>www .grantwatch.com </td></tr></tbody></table></td></tr></tbody></table></td></tr ></tbody></table></td></tr></tbody></table></td></tr></tbody></table> </td></tr></tbo dy></table><table width="100%" cellpadding="0" cellspacing="0" border="0" class="galileo-a p-layout-editor" style="min-width:100%"><tbody><tr><td class=" editor-col OneColumnMobile" width="100%" align="" valign="top" bgcolor="B7DAED" style="background-color:rgb(183,218,2 37)"> <table width="100%" cellpadding="0" cellspacing="0" bor der="0" style="min-width:100%"><tbody><tr><td class="editor-text editor-text " align="left " valign="top" style="font-family:Arial,Verdana,Helvetica,sans-serif; font-size:14px; colo r:#111313; text-align:left; display:block; word-wrap:break-word; line-height:1.2; padding: 10px 20px"> <div alig n="center" style="text-align:center">Do you have thoughts, concerns, or questions about the Flickertale? <div align="cen ter" style="text-align:center">Please let u s know by filling out this <a href="https://gcc02.safelinks.protection.outlook.com/ ?url=https%3A%2F%2Fr20.rs6.net%2Ftn.jsp%3Ff%3D001Wt1QiAvyA2XlJRrp- uBGsEKj1K7ztbwNoXlpmVSeH d1DZYSHqEWXV6gU-dXSBFbeQQBsIxG26E1jSoSh6ApYg0Ihn7If2ddI4rsjyZV- 4ENrHHY1cQqQBwq6iYuV1E2UuVk sCRGfAkh2PXIdcwaIHcvASWlPqJBXEf_R4_Y73- Q%3D%26c%3D0bvVIMWXWYauajuUzKzN3TCmXQF4ONEwsJ7k4LnW wcIAzO1n4IfyEQ%3D%3D%26ch%3DWhvPxL8TFV33ax0BpCSWTiLeRPmqYWjAEt0at55MWVDbjj2PWXpEpg%3D%3D&a mp;data=04%7C01%7Cwstenehjem%40nd.gov%7Cc267d6f1d4d84ac0137408d9e1cd90ac%7C2dea0464da514a8 8bae2b3db94bc0c54%7C0%7C0%7C637789095303712279%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDA iLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=N44Z9uZLJjHSTi6DUTJye%2B% 2BXSdTaGTMuXGUHBB2D24M%3D&reserved=0" originalsrc="https://r20.rs6.net/tn.jsp?f=001Wt1 QiAvyA2XlJRrp-uBGsEKj1K7ztbwNoXlpmVSeHd1DZYSHqEWXV6gU- dXSBFbeQQBsIxG26E1jSoSh6ApYg0Ihn7If2 ddI4rsjyZV-4ENrHHY1cQqQBwq6iYuV1E2UuVksCRGfAkh2PXIdcwaIHcvASWlPqJBXEf_R4_Y73-

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Record 787

Sender Name	Yon, Nancy D.
Sender Email	ndyon@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Awards ceremony
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:51:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:51:40.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:51:41.000 AM

Body	Good morning. I am sorry to say that I will be missing todays years of service award's ceremony. I was looking forward to coming and seeing everyone and receiving my years of service recognition in person. However, the roads are not the best, slippery. It is a cold and windy ND day and not ideal for 7 hours of driving. I can't believe I have nearly 21.5 years of combined service to Grand Forks County and the State. Time flies. Thank you both for giving me the opportunity to do the work that I do and for being wonderful to work with/for. I hope to see you soon. Merry Christmas. Nancy **Nancy Yon** ***Assistant Attorney General*** Office of General Counsel 264 Centennial Drive Stop 8196 Grand Forks, ND 58202-8196 701-777-6345 ndyon@nd.gov
CC	mkelsch@nd.gov

Record 788

Sender Name	Yon, Nancy D.
Sender Email	ndyon@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Awards ceremony
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:51:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:51:40.000 AM
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CC	mkelsch@nd.gov

Record 789

Sender Name	Environmental Law360
Sender Email	news-alt@law360.com
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 2:57:57.000 AM

Body

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TOP NEWS

Analysis

Biggest Environmental Policy Actions Of 2021

The Biden administration began 2021 with big policy ambitions around climate change and environmental justice, and the White House and federal agencies spent the rest of the year issuing rollbacks of Trump-era regulations they saw as too weak and laying the groundwork for strengthening standards in several areas.

Read full article Â»

Republicans Urge Justices Against EPA Power Sector Shift

Nearly 100 congressional Republicans have asked the country's highest court to rule that the Environmental Protection Agency does not have the authority to carry out a transformation of the U.S. power sector from coal to renewable energy.

Brief attached | Read full article Â»

Biden Admin. Gives Green Light To Major Calif. Solar Projects

The Biden administration said Tuesday that it had approved a pair of significant solar projects in California, moving forward with renewable energy efforts just days after West Virginia Sen. Joe Manchin said he wouldn't be supporting the administration's Build Back Better Act.

Read full article Â»

Minn. Agency Stands By Air Permit Issued To Metals Mine

The Minnesota Pollution Control Agency has stood by its decision to issue an air quality permit for a copper-nickel-platinum mine in the northeast of the state, saying the company didn't mislead regulators and that the potential for a future expansion doesn't cost the mine its air permit.

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Union Pacific Gets Texas MDL For Cancer Suits

Union Pacific Railroad Co. can consolidate 22 Texas cases brought by more than 1,700 Houston residents alleging the railroad misrepresented the threat of cancer-causing soil and groundwater contaminants related to a nearby rail yard, a state multidistrict litigation panel has ruled.

Order attached | Read full article Â»

Electric Truck Co. Nikola To Pay $125M To End SEC Probe

Nikola Corp. has reached a $125 million agreement with the U.S. Securities and Exchange Commission to resolve allegations that its embattled former CEO deceived investors about the SPAC-born company's ability to build electric- and hydrogen-powered trucks.

Order attached | Read full article Â»

EU Finalizes State Aid Guidelines Focused On Climate Change

European Union competition officials announced on Tuesday the formal adoption of guidelines governing the financial support and other aid that member countries give to climate, environmental and energy projects.

Read full article Â»

LITIGATION

Tetra Tech Fights Tribal Immunity In Fire Cleanup Wage Row

A consulting and engineering services firm urged the Ninth Circuit to revive its efforts to hold a tribal entity responsible for alleged wage and hour violations during the cleanup of wildfire damage on reservation land, arguing a district court ruling rendered a provision of its contract with the tribe "meaningless."

Brief attached | Read full article Â»

Green Group Sues To Stop Large-Scale Project In Idaho Forest

An Idaho conservation group has sued the federal government for approving an extensive, 67,800-acre landscape-scale restoration project in the Boise National Forest, arguing it rushed the review process and ignored environmental analysis of the area.

Complaint attached | Read full article Â»

Wash. Tribe, Green Groups Want LNG Plant

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BRL Law Group
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Lewis Brisbois
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McNees Wallace
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Norton Rose
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Body

Permits Tossed

A Native American tribe and community groups say Washington state's air permit approvals for a $310 million liquified natural gas refinery in Tacoma were based on a flawed environmental analysis, and want a state court to toss them.

2 documents attached | Read full article Â»

Green Groups Again Sue Army Corps Over Shellfish Permit

A pair of nonprofit organizations have again sued the U.S. Army Corps of Engineers in Washington federal court over a nationwide permit allowing for commercial shellfish operations, which they claim is a rehash of a Trump-era permit that the court rebuked in 2019.

Complaint attached | Read full article Â»

Red Lobster Customers Push Back Against Dismissal Bid

A proposed class of diners is firing back against Red Lobster Management LLC's bid to escape a suit alleging it misleads consumers about the sustainability of its lobster and shrimp sources, saying the restaurant can't expect customers to check its website after its menu promises its products are environmentally friendly.

Memorandum attached | Read full article Â»

Ohio Utility Gets Investor Suit Over $60M Bribery Plot Tossed

An Ohio federal judge permanently threw out a proposed class action suit against American Electric Power Co. Inc. accusing it of misleading its shareholders about its alleged involvement in a $60 million corruption plot tied to a former speaker of the Ohio House of Representatives.

Order attached | Read full article Â»

BANKRUPTCY

St. Croix Refinery's Reopened Ch. 11 Sale OK'd In Texas

A second-chance, $62 million bidder for the bankrupt and environmentally troubled Limetree Bay Refinery on the island of St. Croix in the U.S. Virgin Islands secured Bankruptcy Court approval for the deal in Texas late Tuesday after a daylong emergency sale hearing contested by the originally named winner.

Read full article Â»

PEOPLE

Saxton & Stump Adds Shareholder For Enviro, Safety Launch

Midsize Pennsylvania firm Saxton & Stump LLC has hired a shareholder to serve as co-chair of its new practice specializing in environmental, health and safety issues.

Read full article Â»

LEGAL INDUSTRY

Mintz, Cooley Extend Remote Work As Omicron Spreads

Mintz Levin Cohn Ferris Glovsky and Popeo PC and Cooley LLP have changed their return-to-office plans and are

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Ogden Murphy
Pachulski Stang
Porter Wright
Proskauer Rose
Quinn Emanuel
Rackemann Sawyer
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Robbins Geller
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Schulte Roth
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Sidley Austin
Simpson Thacher
Skadden Arps
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Council on Environmental Quality
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Ohio House of Representatives
Pennsylvania Department of Environmental Protection
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Susquehanna River Basin Commission
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Texas Commission on Environmental Quality
Texas Supreme Court
U.S. Army
U.S. Army Corps of Engineers
U.S. Court of Appeals for the Ninth Circuit
U.S. Department of Agriculture
U.S. Department of Justice
U.S. Department of the Interior
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TOP NEWS

Analysis

Biggest Environmental Policy Actions Of 2021

The Biden administration began 2021 with big policy ambitions around climate change and environmental justice, and the White House and federal agencies spent the rest of the year issuing rollbacks of Trump-era regulations they saw as too weak and laying the groundwork for strengthening standards in several areas.

Read full article Â»

Republicans Urge Justices Against EPA Power Sector Shift

Nearly 100 congressional Republicans have asked the country's highest court to rule that the Environmental Protection Agency does not have the authority to carry out a transformation of the U.S. power sector from coal to renewable energy.

Brief attached | Read full article Â»

Biden Admin. Gives Green Light To Major Calif. Solar Projects

The Biden administration said Tuesday that it had approved a pair of significant solar projects in California, moving forward with renewable energy efforts just days after West Virginia Sen. Joe Manchin said he wouldn't be supporting the administration's Build Back Better Act.

Read full article Â»

Minn. Agency Stands By Air Permit Issued To Metals Mine

The Minnesota Pollution Control Agency has stood by its decision to issue an air quality permit for a copper-nickel-platinum mine in the northeast of the state, saying the company didn't mislead regulators and that the potential for a future expansion doesn't cost the mine its air permit.

Read full article Â»

Union Pacific Gets Texas MDL For Cancer Suits

Union Pacific Railroad Co. can consolidate 22 Texas cases brought by more than 1,700 Houston residents alleging the railroad misrepresented the threat of cancer-causing soil and groundwater contaminants related to a nearby rail yard, a state multidistrict litigation panel has ruled.

Order attached | Read full article Â»

Electric Truck Co. Nikola To Pay $125M To End SEC Probe

Nikola Corp. has reached a $125 million agreement with the U.S. Securities and Exchange Commission to resolve allegations that its embattled former CEO deceived investors about the SPAC-born company's ability to build electric- and hydrogen-powered trucks.

Order attached | Read full article Â»

EU Finalizes State Aid Guidelines Focused On Climate Change

European Union competition officials announced on Tuesday the formal adoption of guidelines governing the financial support and other aid that member countries give to climate, environmental and energy projects.

Read full article Â»

LITIGATION

Tetra Tech Fights Tribal Immunity In Fire Cleanup Wage Row

A consulting and engineering services firm urged the Ninth Circuit to revive its efforts to hold a tribal entity responsible for alleged wage and hour violations during the cleanup of wildfire damage on reservation land, arguing a district court ruling rendered a provision of its contract with the tribe "meaningless."

Brief attached | Read full article Â»

Green Group Sues To Stop Large-Scale Project In Idaho Forest

An Idaho conservation group has sued the federal government for approving an extensive, 67,800-acre landscape-scale restoration project in the Boise National Forest, arguing it rushed the review process and ignored environmental analysis of the area.

Complaint attached | Read full article Â»

Wash. Tribe, Green Groups Want LNG Plant

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BakerHostetler
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Cooley LLP
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Earthjustice
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McKool Smith
McNees Wallace
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Permits Tossed

A Native American tribe and community groups say Washington state's air permit approvals for a $310 million liquified natural gas refinery in Tacoma were based on a flawed environmental analysis, and want a state court to toss them.

2 documents attached | Read full article Â»

Green Groups Again Sue Army Corps Over Shellfish Permit

A pair of nonprofit organizations have again sued the U.S. Army Corps of Engineers in Washington federal court over a nationwide permit allowing for commercial shellfish operations, which they claim is a rehash of a Trump-era permit that the court rebuked in 2019.

Complaint attached | Read full article Â»

Red Lobster Customers Push Back Against Dismissal Bid

A proposed class of diners is firing back against Red Lobster Management LLC's bid to escape a suit alleging it misleads consumers about the sustainability of its lobster and shrimp sources, saying the restaurant can't expect customers to check its website after its menu promises its products are environmentally friendly.

Memorandum attached | Read full article Â»

Ohio Utility Gets Investor Suit Over $60M Bribery Plot Tossed

An Ohio federal judge permanently threw out a proposed class action suit against American Electric Power Co. Inc. accusing it of misleading its shareholders about its alleged involvement in a $60 million corruption plot tied to a former speaker of the Ohio House of Representatives.

Order attached | Read full article Â»

BANKRUPTCY

St. Croix Refinery's Reopened Ch. 11 Sale OK'd In Texas

A second-chance, $62 million bidder for the bankrupt and environmentally troubled Limetree Bay Refinery on the island of St. Croix in the U.S. Virgin Islands secured Bankruptcy Court approval for the deal in Texas late Tuesday after a daylong emergency sale hearing contested by the originally named winner.

Read full article Â»

PEOPLE

Saxton & Stump Adds Shareholder For Enviro, Safety Launch

Midsize Pennsylvania firm Saxton & Stump LLC has hired a shareholder to serve as co-chair of its new practice specializing in environmental, health and safety issues.

Read full article Â»

LEGAL INDUSTRY

Mintz, Cooley Extend Remote Work As Omicron Spreads

Mintz Levin Cohn Ferris Glovsky and Popeo PC and Cooley LLP have changed their return-to-office plans and are

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Pachulski Stang
Porter Wright
Proskauer Rose
Quinn Emanuel
Rackemann Sawyer
Richman Law & Policy
Robbins Geller
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Saxton & Stump
Schulte Roth
Selendy & Gay
Sidley Austin
Simpson Thacher
Skadden Arps
Stein Mitchell
Stephens Reed & Armstrong
Strauss & Strauss
Susman Godfrey
The Wagner Law Group
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Verrill Dana
Weil Gotshal
Wiley Rein
Wilson Sonsini

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Hess Corp.
Marvel Entertainment LLC
New Civil Liberties Alliance
Nikola Corp.
North American Coal Corp.
Nuvance Health
PolyMet Mining Corp.
Puget Sound Energy Inc.
Red Lobster Hospitality LLC
Sierra Club
Tetra Tech Inc.
Twitter Inc.
Union Pacific Corp.

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Council on Environmental Quality
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Minnesota Department of Natural Resources
Minnesota Pollution Control Agency
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Occupational Safety and Health Administration
Ohio House of Representatives
Pennsylvania Department of Environmental Protection
Puyallup Tribe of Indians
Susquehanna River Basin Commission
Swinomish Indian Tribal Community
Texas Commission on Environmental Quality
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LITIGATION

DuPont Escapes NY Water Contamination Claims For Now

A federal judge dismissed a lawsuit filed by water management company Suez Water New York Inc. against E.I. du Pont Nemours and Co. and its spinoffs for allegedly contaminating the state's waterways and groundwater through the manufacture and disposal of perfluoroalkyl and polyfluoroalkyl substances.

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Nikola Pulls Plug On $2B Tesla IP Suit Following

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Body

Nikola Pulls Plug On $2B Tesla IP Suit Following Judge's Slam

Months after a California federal judge told Nikola Corp. that it "dropped the ball" in its prosecution of a $2 billion suit accusing Tesla Inc. of infringing its design patents on its electric semitruck, the parties jointly asked the court to voluntarily dismiss all claims and counterclaims Tuesday.

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BANKRUPTCY

Kumtor Gold Can't Depose Kyrgyz Official For Ch. 11 Defense

A New York bankruptcy judge denied a request Wednesday by bankrupt Kumtor Gold Co. to depose Kyrgyzstan's energy minister, saying the company had not yet justified its discovery demand and would have to complete other depositions.

Read full article Â»

EXPERT ANALYSIS

US Takeaways On OECD Antitrust Policy Discussion

Jimmy Moore at Axinn looks at global antitrust enforcement and policy issues in cases discussed at a recent Organization for Economic Cooperation and Development panel, and offers insights into country-by-country approaches while comparing them with U.S. measures.

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LEGAL INDUSTRY

'Flooded': Jan. 6 Caseload Draws Nationwide Legal Effort

A federal tax attorney. A San Francisco-based antitrust prosecutor. The coordinator of coronavirus fraud cases for Utah's U.S. Attorney's Office. Lawyers from across the federal government have aided in prosecuting and defending more than 700 people charged in D.C. federal court for their role in a mass crime with no modern precedent â€" the siege of the U.S. Capitol.

Read full article Â»

Web Donations Help Jan. 6 Suspects Tap Private Legal Muscle

Almost half of Jan. 6 defendants are represented by retained attorneys, compared with just 10% of the general federal criminal defendant population. The cost of a private lawyer is steep, and some alleged Capitol rioters have turned to online fundraising to bankroll their defense â€" with mixed results.

Read full article Â»

Attys Take Kitchen Sink Approach In Fighting Jan. 6 Charges

Defense attorneys for the accused Jan. 6 insurrectionists have turned to unusual arguments, affirmative defenses and dismissal motions to aid their clients, accusing prosecutors of playing politics, police of excessive force, and the former president and the media of misinformation.

Read full article Â»

DOJ Will Hunt Jan. 6 Suspects 'At Any Level,' Garland Says

Federal prosecutors will pursue suspects who participated in last year's riot at the U.S. Capitol "at any level," Attorney General Merrick Garland said Wednesday, signaling that the government's investigation could widen to include those who orchestrated the deadly attack.

Read full article Â»

House Panel's Bid For Jan. 6 Verizon Records Called A Reach

An anonymous plaintiff asked a D.C. federal court Wednesday to prevent Verizon from handing over phone records to the U.S. House of Representatives committee investigating last January's insurrection at the Capitol.

Read full article Â»

With New CEO, Dentons Doubles Down On US Expansion

Dentons said Wednesday it has named insurance partner Sonia Martin as its new U.S. CEO after predecessor Mike McNamara stepped down in July, with Martin saying she plans to continue the firm's rapid expansion across the U.S.

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Shook Hardy
Sidley Austin
Smoger Law Firm
Sommers Schwartz PC
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Nikola Pulls Plug On $2B Tesla IP Suit Following Judge's Slam

Months after a California federal judge told Nikola Corp. that it "dropped the ball" in its prosecution of a $2 billion suit accusing Tesla Inc. of infringing its design patents on its electric semitruck, the parties jointly asked the court to voluntarily dismiss all claims and counterclaims Tuesday.

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BANKRUPTCY

Kumtor Gold Can't Depose Kyrgyz Official For Ch. 11 Defense

A New York bankruptcy judge denied a request Wednesday by bankrupt Kumtor Gold Co. to depose Kyrgyzstan's energy minister, saying the company had not yet justified its discovery demand and would have to complete other depositions.

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EXPERT ANALYSIS

US Takeaways On OECD Antitrust Policy Discussion

Jimmy Moore at Axinn looks at global antitrust enforcement and policy issues in cases discussed at a recent Organization for Economic Cooperation and Development panel, and offers insights into country-by-country approaches while comparing them with U.S. measures.

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'Flooded': Jan. 6 Caseload Draws Nationwide Legal Effort

A federal tax attorney. A San Francisco-based antitrust prosecutor. The coordinator of coronavirus fraud cases for Utah's U.S. Attorney's Office. Lawyers from across the federal government have aided in prosecuting and defending more than 700 people charged in D.C. federal court for their role in a mass crime with no modern precedent â€" the siege of the U.S. Capitol.

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Web Donations Help Jan. 6 Suspects Tap Private Legal Muscle

Almost half of Jan. 6 defendants are represented by retained attorneys, compared with just 10% of the general federal criminal defendant population. The cost of a private lawyer is steep, and some alleged Capitol rioters have turned to online fundraising to bankroll their defense â€" with mixed results.

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Attys Take Kitchen Sink Approach In Fighting Jan. 6 Charges

Defense attorneys for the accused Jan. 6 insurrectionists have turned to unusual arguments, affirmative defenses and dismissal motions to aid their clients, accusing prosecutors of playing politics, police of excessive force, and the former president and the media of misinformation.

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DOJ Will Hunt Jan. 6 Suspects 'At Any Level,' Garland Says

Federal prosecutors will pursue suspects who participated in last year's riot at the U.S. Capitol "at any level," Attorney General Merrick Garland said Wednesday, signaling that the government's investigation could widen to include those who orchestrated the deadly attack.

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House Panel's Bid For Jan. 6 Verizon Records Called A Reach

An anonymous plaintiff asked a D.C. federal court Wednesday to prevent Verizon from handing over phone records to the U.S. House of Representatives committee investigating last January's insurrection at the Capitol.

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With New CEO, Dentons Doubles Down On US Expansion

Dentons said Wednesday it has named insurance partner Sonia Martin as its new U.S. CEO after predecessor Mike McNamara stepped down in July, with Martin saying she plans to continue the firm's rapid expansion across the U.S.

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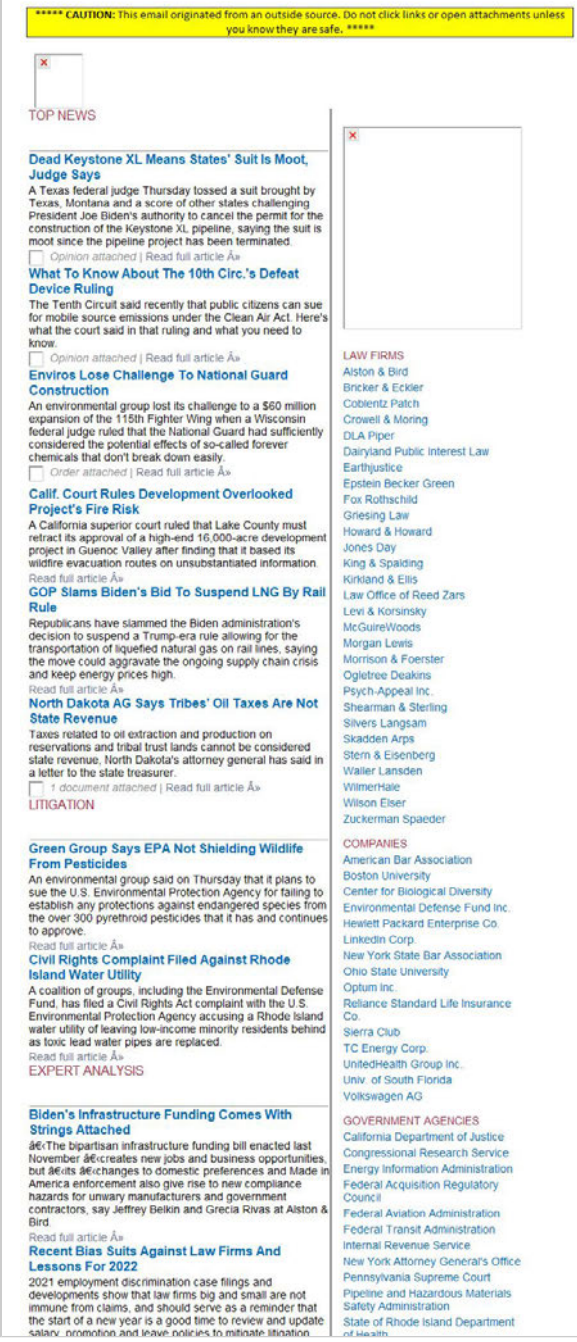

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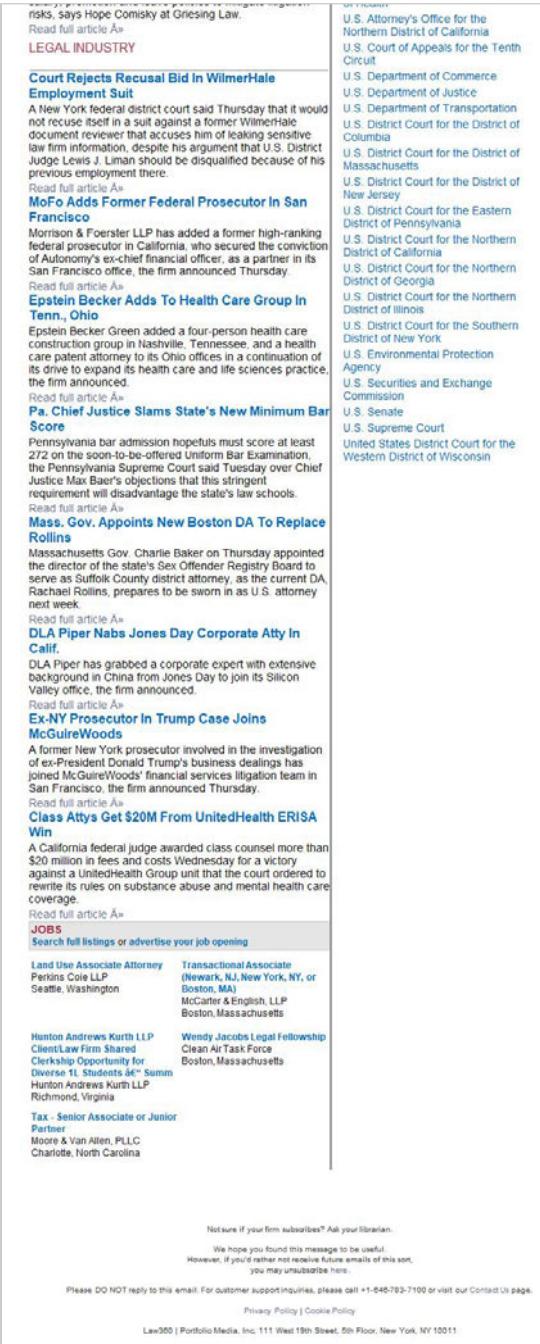
Body	

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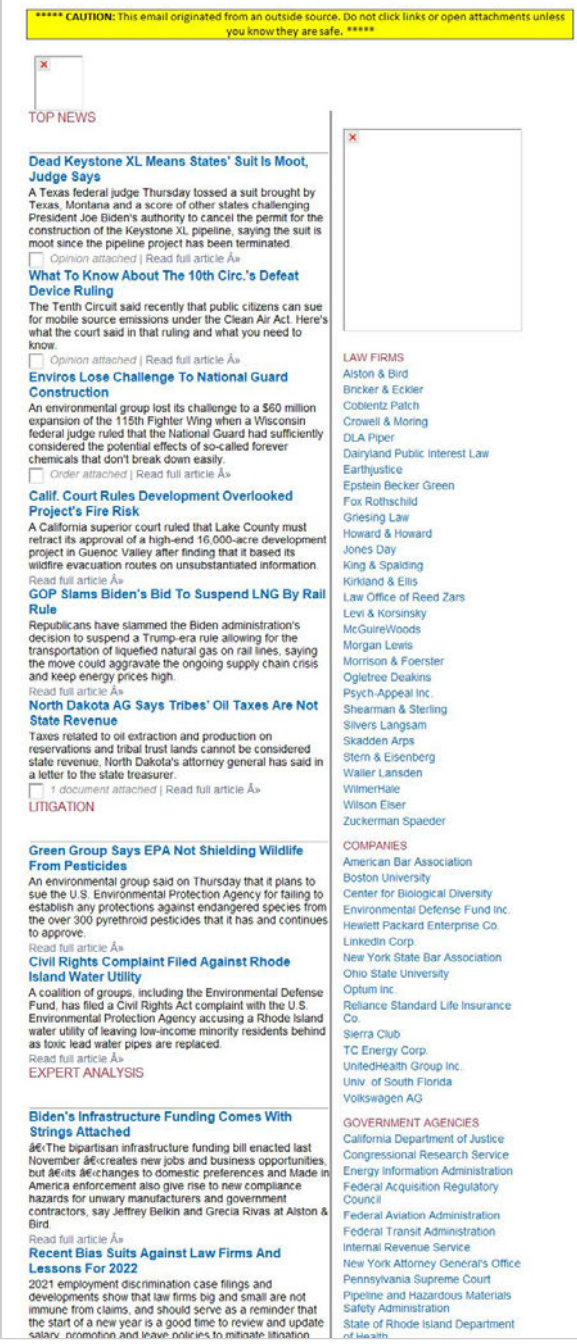

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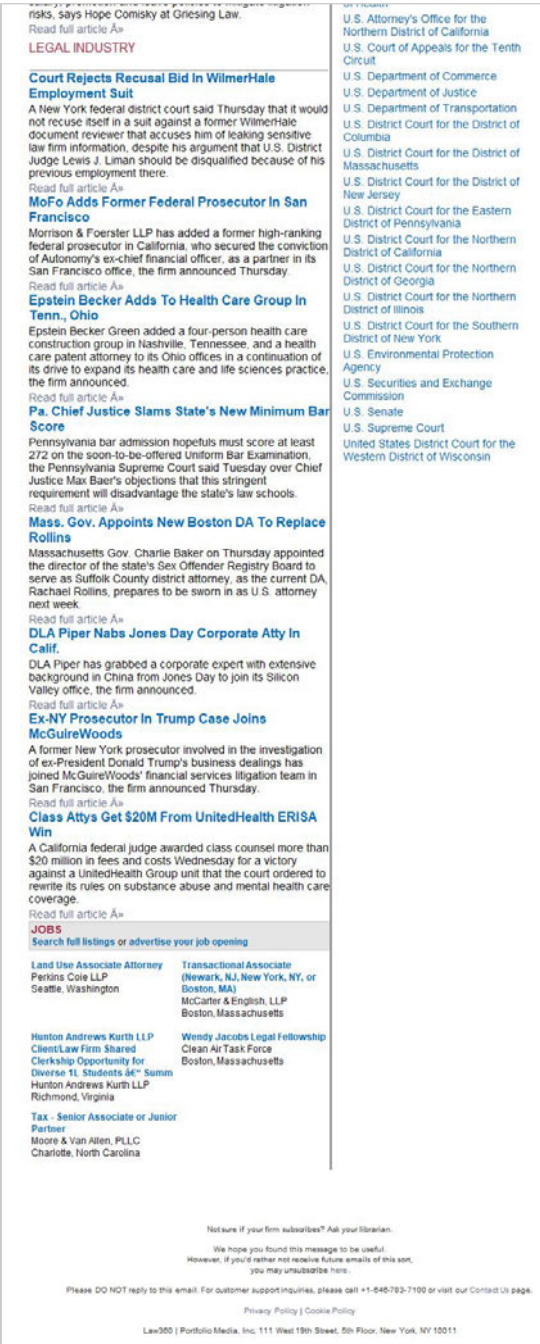
Body	

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Analysis

Regulatory Potholes Loom For Expanding Electric Fleet

Plenty of recent groundwork has been laid for getting more electric vehicles on the road, but solid regulatory frameworks for EV infrastructure must still be erected in order to kick electrification efforts into high gear. Here, policy experts identify five regulatory issues that must be addressed in order to accelerate EV deployment in the U.S.

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4th Circ. Judges Press Energy Cos. On Climate Suit's Future

Fourth Circuit judges on Tuesday had tough questions for energy companies contending that Baltimore's suit seeking to put them on the hook for climate change-related infrastructure damages belongs in federal court, especially as the companies also argue that climate suits can't be sustained in federal court.

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4th Circ. Strikes Down Mountain Valley Forest Crossing

The Fourth Circuit on Tuesday struck down the federal government's approval for the Mountain Valley pipeline to cross a national forest in Virginia and West Virginia, at least until two agencies fix problems with their environmental review of the proposed project.

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Minn. Panel Orders Further Review For Mine's Water Permit

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Regulatory Potholes Loom For Expanding Electric Fleet

Plenty of recent groundwork has been laid for getting more electric vehicles on the road, but solid regulatory frameworks for EV infrastructure must still be erected in order to kick electrification efforts into high gear. Here, policy experts identify five regulatory issues that must be addressed in order to accelerate EV deployment in the U.S.

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4th Circ. Judges Press Energy Cos. On Climate Suit's Future

Fourth Circuit judges on Tuesday had tough questions for energy companies contending that Baltimore's suit seeking to put them on the hook for climate change-related infrastructure damages belongs in federal court, especially as the companies also argue that climate suits can't be sustained in federal court.

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4th Circ. Strikes Down Mountain Valley Forest Crossing

The Fourth Circuit on Tuesday struck down the federal government's approval for the Mountain Valley pipeline to cross a national forest in Virginia and West Virginia, at least until two agencies fix problems with their environmental review of the proposed project.

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JUSTICE BREYER

Analysis

'Just Do Your Job': Justice Breyer's Legacy Of Pragmatism

With the coming retirement of Justice Stephen Breyer, the U.S. Supreme Court loses not only a core member of its liberal bloc, but also a judicial thinker who cares deeply about making the law work on a practical level, those who worked with him said.

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Analysis

5 Breyer Opinions You Need To Know

Justice Stephen Breyer, who was confirmed Wednesday to be stepping down from the court after 27 years, was a pragmatist who thought about the real-world implications of the high courtâ€™s decisions. Here, Law360 looks at some of the cases that epitomize his career.

5 documents attached | Read full article Â»

Meet The Possible Nominees For Justice Breyer's Seat

President Joe Biden has promised to nominate the first-ever Black woman to the nation's highest court. Here we look at the contenders for Justice Stephen Breyer's seat, including one notable front-runner.

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Democrats Plan Swift Confirmation Of Breyer Successor

The U.S. Senate's Democratic leaders pledged Wednesday to move swiftly to confirm a successor for U.S. Supreme Court Justice Stephen Breyer, who is expected to formally announce his retirement Thursday.

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Justice Breyer To Retire From High Court

Justice Stephen Breyer, one of the longest-serving liberal members of the U.S. Supreme Court, will resign his post after more than 27 years on the bench.

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EPA's Enviro Justice Campaign Adds Inspections, Monitoring

The U.S. Environmental Protection Agency will take a much more aggressive stance toward polluting facilities in vulnerable communities, including increasing the number of surprise inspections and expanding air quality monitoring capacity, the EPA's leader said Tuesday.

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EPA Declines To Switch Up Ethylene Oxide Risk Calculation

The U.S. Environmental Protection Agency on Wednesday proposed sticking with a Trump-era plan for assessing risks posed by ethylene oxide pollution, refusing requests for the agency to use a different risk calculation model that was developed by Texas environmental regulators.

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Biden Administration Revokes Approval For Minn. Mines

The Biden administration on Wednesday revoked an Antofagasta PLC subsidiary's mining leases in Minnesota's Superior National Forest, reversing a Trump-era decision to approve the leases and prompting a threat of legal action from the company.

Opinion attached | Read full article Â»

Trump NEPA Rule Fight Is A Non-Starter, 4th Circ. Told

The U.S. Chamber of Commerce and other business groups on Tuesday urged the Fourth Circuit not to revive environmentalists' challenge to a Trump-era rule overhauling the National Environmental Policy Act, backing White House arguments that green groups can't fight a rule that hasn't been implemented.

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FCC Proposes Updates To Telecom Equipment Certification

The Federal Communications Commission is proposing updates to its rules for certifying radio frequency equipment, which is designed to ensure devices operate without causing harmful interference.

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9th Circ. Won't Rehear Dealers' German Car Antitrust MDL

The Ninth Circuit won't review a three-judge panel's October decision to quash allegations from U.S. car dealerships claiming German auto manufacturers conspired to control diesel emissions system specifications and unreasonably restrain trade in violation of U.S. antitrust law.

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US Steel Disputes Enviro Groups' Standing In Sulfur Suit

U.S. Steel Corp. contended that its Pittsburgh-area facilitiesâ€™ neighbors didn't have standing to sue over alleged environmental violations following a 2018 fire that knocked out a plant's pollution controls for months, arguing to a federal judge that the offending sulfur and soot could have come from other sources.

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Feds Hit With ESA Suit Over Offshore Calif. Drilling

The federal government is underestimating the dangers to endangered species that are posed by oil drilling operations off the California coast and needs to reevaluate those approvals, an environmental group told a federal court Wednesday.

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Allied Universal Nabs Ex-Newmeyer Dillion Atty As New CCO

Allied Universal has hired an ex-Newmeyer Dillion LLP attorney for a new chief compliance officer role after recent legal troubles embroiled the private security giant in allegations of pay discrimination and wrongful deaths.

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How AI Can Transform Crisis Management In Litigation

Attorneys should understand how to use rapidly advancing artificial intelligence technology to help clients prepare for potential catastrophic events and the inevitable litigation arising from them, from predicting crises before they occur to testing legal theories once they arise, say Stratton Horres at Wilson Elser and David Steiger.

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Body	**Ex-Breyer Clerks Praise Jurist As Consensus Builder** U.S. Supreme Court Justice Stephen Breyer, whose impending retirement was revealed Wednesday, has gained a reputation among his former clerks as a consensus-builder, a "statesman" who has looked to build bridges with the overarching goal of preserving the integrity of both the courts and democracy. Read full article Â» **DLA Piper, Duval & Stachenfeld Bump Up Associate Pay** BigLaw firm DLA Piper and New York City real estate boutique Duval & Stachenfeld LLP both informed their attorneys this week they would adopt the associate salary pay scale recently set by Milbank LLP, Law360 Pulse confirmed Wednesday. Read full article Â» **Calif. Bar's New Top Prosecutor On Building Back Trust** The State Bar of Californiaâ€™s credibility plummeted over the past year, thanks to a combination of new problems emerging and old ones coming to light. Under pressure from legislators to hire a new chief prosecutor to lead its lawyer disciplinary system, the bar chose former acting U.S. Attorney George Cardona. He recently spoke with Law360 about his experience and goals. Read full article Â» **Girardi Used Client Cash On Diamonds For Wife, Trustee Says** Reality television star Erika Girardi must surrender $750,000 diamond earrings that her husband, former trial attorney Thomas V. Girardi, bought with money he embezzled from his injured clients, a bankruptcy trustee told a Los Angeles judge this week. Read full article Â» **Ex-Clinton Atty Elias Testified To Sussmann Grand Jury** Former Perkins Coie attorney and Hillary Clinton campaign counsel Marc Elias testified to a grand jury as part of the special counsel's case accusing fellow ex-firm partner Michael Sussmann of lying to the FBI in the run-up to the 2016 election, according to Tuesday court filings. Read full article Â» **NY AG Seeks To Toss Trump's Challenge To Business Probe** New York Attorney General Letitia James on Wednesday urged a New York federal court to toss former President Donald Trump's suit seeking to halt her investigations into his business activities and inquiring whether he inflated assets to reap financial benefits. Read full article Â» **Fed. Circ. Pushes Judicial Conference Back 5 Months** The Federal Circuit is pushing back its biennial judicial conference from April to September as the omicron variant of COVID-19 continues to sweep the nation, causing hospitalizations and deaths to skyrocket. Read full article Â» **JOBS** Search full listings or advertise your job opening **Transactional Associate (Newark, NJ, New York, NY, or Boston, MA)** McCarter & English, LLP Boston, Massachusetts **Litigation Contract Attorney** Beveridge & Diamond, P.C. San Francisco, Baker Island **Litigation Shareholder â€“ California office** Beveridge & Diamond, P.C. San Francisco, California **Land Use Associate Attorney** Perkins Coie LLP Seattle, Washington **Tax - Senior Associate or Junior Partner** Moore & Van Allen, PLLC Charlotte, North Carolina U.S. District Court for the Northern District of New York U.S. District Court for the Western District of Pennsylvania U.S. Environmental Protection Agency U.S. Forest Service U.S. Marine Corps U.S. Senate U.S. Sentencing Commission U.S. Supreme Court Not sure if your firm subscribes? Ask your librarian. We hope you found this message to be useful. However, if you'd rather not receive future emails of this sort, you may unsubscribe here. Please DO NOT reply to this email. For customer support inquiries, please call +1-646-783-7100 or visit our Contact Us page. Privacy Policy | Cookie Policy Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

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Sender Email	news-alt@law360.com
Recipients	wstenehjem@nd.gov
Subject	'Just Do Your Job': Justice Breyer's Legacy Of Pragmatism
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:16:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:16:07.000 AM
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Body

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JUSTICE BREYER

Analysis

'Just Do Your Job': Justice Breyer's Legacy Of Pragmatism

With the coming retirement of Justice Stephen Breyer, the U.S. Supreme Court loses not only a core member of its liberal bloc, but also a judicial thinker who cares deeply about making the law work on a practical level, those who worked with him said.

Read full article Â»

Analysis

5 Breyer Opinions You Need To Know

Justice Stephen Breyer, who was confirmed Wednesday to be stepping down from the court after 27 years, was a pragmatist who thought about the real-world implications of the high courtâ€™s decisions. Here, Law360 looks at some of the cases that epitomize his career.

5 documents attached | Read full article Â»

Meet The Possible Nominees For Justice Breyer's Seat

President Joe Biden has promised to nominate the first-ever Black woman to the nation's highest court. Here we look at the contenders for Justice Stephen Breyer's seat, including one notable front-runner.

Read full article Â»

Democrats Plan Swift Confirmation Of Breyer Successor

The U.S. Senate's Democratic leaders pledged Wednesday to move swiftly to confirm a successor for U.S. Supreme Court Justice Stephen Breyer, who is expected to formally announce his retirement Thursday.

Read full article Â»

Justice Breyer To Retire From High Court

Justice Stephen Breyer, one of the longest-serving liberal members of the U.S. Supreme Court, will resign his post after more than 27 years on the bench.

Read full article Â»

TOP NEWS

EPA's Enviro Justice Campaign Adds Inspections, Monitoring

The U.S. Environmental Protection Agency will take a much more aggressive stance toward polluting facilities in vulnerable communities, including increasing the number of surprise inspections and expanding air quality monitoring capacity, the EPA's leader said Tuesday.

Read full article Â»

EPA Declines To Switch Up Ethylene Oxide Risk Calculation

The U.S. Environmental Protection Agency on Wednesday proposed sticking with a Trump-era plan for assessing risks posed by ethylene oxide pollution, refusing requests for the agency to use a different risk calculation model that was developed by Texas environmental regulators.

Read full article Â»

Biden Administration Revokes Approval For Minn. Mines

The Biden administration on Wednesday revoked an Antofagasta PLC subsidiary's mining leases in Minnesota's Superior National Forest, reversing a Trump-era decision to approve the leases and prompting a threat of legal action from the company.

Opinion attached | Read full article Â»

Trump NEPA Rule Fight Is A Non-Starter, 4th Circ. Told

The U.S. Chamber of Commerce and other business groups on Tuesday urged the Fourth Circuit not to revive environmentalists' challenge to a Trump-era rule overhauling the National Environmental Policy Act, backing White House arguments that green groups can't fight a rule that hasn't been implemented.

Brief attached | Read full article Â»

POLICY & REGULATION

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Greenberg Gross
Habba Madaio
Jenner & Block
Kershaw Cook
Latham & Watkins
McDermott Will
McKool Smith
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Perkins Coie
Quinn Emanuel
Rodriguez & Morgan
Sharp Law LLP
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Body

FCC Proposes Updates To Telecom Equipment Certification

The Federal Communications Commission is proposing updates to its rules for certifying radio frequency equipment, which is designed to ensure devices operate without causing harmful interference.

Proposed Rule attached | Read full article Â»

LITIGATION

9th Circ. Won't Rehear Dealers' German Car Antitrust MDL

The Ninth Circuit won't review a three-judge panel's October decision to quash allegations from U.S. car dealerships claiming German auto manufacturers conspired to control diesel emissions system specifications and unreasonably restrain trade in violation of U.S. antitrust law.

Order attached | Read full article Â»

US Steel Disputes Enviro Groups' Standing In Sulfur Suit

U.S. Steel Corp. contended that its Pittsburgh-area facilitiesâ€™ neighbors didn't have standing to sue over alleged environmental violations following a 2018 fire that knocked out a plant's pollution controls for months, arguing to a federal judge that the offending sulfur and soot could have come from other sources.

Read full article Â»

Feds Hit With ESA Suit Over Offshore Calif. Drilling

The federal government is underestimating the dangers to endangered species that are posed by oil drilling operations off the California coast and needs to reevaluate those approvals, an environmental group told a federal court Wednesday.

Complaint attached | Read full article Â»

PEOPLE

Allied Universal Nabs Ex-Newmeyer Dillion Atty As New CCO

Allied Universal has hired an ex-Newmeyer Dillion LLP attorney for a new chief compliance officer role after recent legal troubles embroiled the private security giant in allegations of pay discrimination and wrongful deaths.

Read full article Â»

EXPERT ANALYSIS

How AI Can Transform Crisis Management In Litigation

Attorneys should understand how to use rapidly advancing artificial intelligence technology to help clients prepare for potential catastrophic events and the inevitable litigation arising from them, from predicting crises before they occur to testing legal theories once they arise, say Stratton Horres at Wilson Elser and David Steiger.

Read full article Â»

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Clean Air Council
Daimler AG
Early Warning Services LLC
Google LLC
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Mercedes-Benz
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National Women's Law Center
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Southern Environmental Law Center
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Twin Metals Minnesota LLC
U.S. Chamber of Commerce
UCLA School of Law
United States Steel Corp.
Univ. of South Florida
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GOVERNMENT AGENCIES

Bureau of Ocean Energy Management
California Supreme Court
Congressional Research Service
Council on Environmental Quality
Federal Bureau of Investigation
Federal Communications Commission
Federal Election Commission
Federal Judicial Center
Food and Drug Administration
Internal Revenue Service
National Labor Relations Board
National Marine Fisheries Service
New York Attorney General's Office
Texas Commission on Environmental Quality
U.S. Attorney's Office for the Central District of California
U.S. Court of Appeals for the First Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Department of Agriculture
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. District Court for the Central District of California
U.S. District Court for the District of Columbia

Body	**Ex-Breyer Clerks Praise Jurist As Consensus Builder** U.S. Supreme Court Justice Stephen Breyer, whose impending retirement was revealed Wednesday, has gained a reputation among his former clerks as a consensus-builder, a "statesman" who has looked to build bridges with the overarching goal of preserving the integrity of both the courts and democracy. Read full article Â» **DLA Piper, Duval & Stachenfeld Bump Up Associate Pay** BigLaw firm DLA Piper and New York City real estate boutique Duval & Stachenfeld LLP both informed their attorneys this week they would adopt the associate salary pay scale recently set by Milbank LLP, Law360 Pulse confirmed Wednesday. Read full article Â» **Calif. Bar's New Top Prosecutor On Building Back Trust** The State Bar of Californiaâ€™s credibility plummeted over the past year, thanks to a combination of new problems emerging and old ones coming to light. Under pressure from legislators to hire a new chief prosecutor to lead its lawyer disciplinary system, the bar chose former acting U.S. Attorney George Cardona. He recently spoke with Law360 about his experience and goals. Read full article Â» **Girardi Used Client Cash On Diamonds For Wife, Trustee Says** Reality television star Erika Girardi must surrender $750,000 diamond earrings that her husband, former trial attorney Thomas V. Girardi, bought with money he embezzled from his injured clients, a bankruptcy trustee told a Los Angeles judge this week. Read full article Â» **Ex-Clinton Atty Elias Testified To Sussmann Grand Jury** Former Perkins Coie attorney and Hillary Clinton campaign counsel Marc Elias testified to a grand jury as part of the special counsel's case accusing fellow ex-firm partner Michael Sussmann of lying to the FBI in the run-up to the 2016 election, according to Tuesday court filings. Read full article Â» **NY AG Seeks To Toss Trump's Challenge To Business Probe** New York Attorney General Letitia James on Wednesday urged a New York federal court to toss former President Donald Trump's suit seeking to halt her investigations into his business activities and inquiring whether he inflated assets to reap financial benefits. Read full article Â» **Fed. Circ. Pushes Judicial Conference Back 5 Months** The Federal Circuit is pushing back its biennial judicial conference from April to September as the omicron variant of COVID-19 continues to sweep the nation, causing hospitalizations and deaths to skyrocket. Read full article Â» **JOBS** **Search full listings or advertise your job opening** **Transactional Associate (Newark, NJ, New York, NY, or Boston, MA)** McCarter & English, LLP Boston, Massachusetts **Litigation Contract Attorney** Beveridge & Diamond, P.C. San Francisco, Baker Island **Litigation Shareholder â€“ California office** Beveridge & Diamond, P.C. San Francisco, California **Land Use Associate Attorney** Perkins Coie LLP Seattle, Washington **Tax - Senior Associate or Junior Partner** Moore & Van Allen, PLLC Charlotte, North Carolina U.S. District Court for the Northern District of New York U.S. District Court for the Western District of Pennsylvania U.S. Environmental Protection Agency U.S. Forest Service U.S. Marine Corps U.S. Senate U.S. Sentencing Commission U.S. Supreme Court Not sure if your firm subscribes? Ask your librarian. We hope you found this message to be useful. However, if you'd rather not receive future emails of this sort, you may unsubscribe here. Please DO NOT reply to this email. For customer support inquiries, please call +1-646-783-7100 or visit our Contact Us page. Privacy Policy | Cookie Policy Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

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Sender Email	news-alt@law360.com
Recipients	wstenehjem@nd.gov
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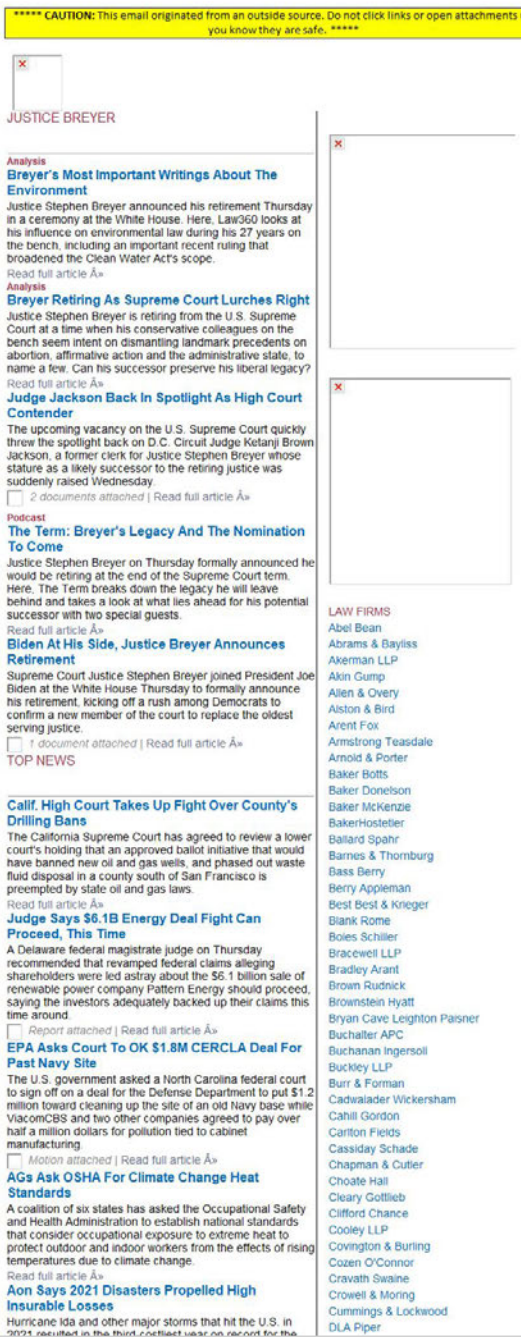

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JUSTICE BREYER

Analysis

Breyer's Most Important Writings About The Environment

Justice Stephen Breyer announced his retirement Thursday in a ceremony at the White House. Here, Law360 looks at his influence on environmental law during his 27 years on the bench, including an important recent ruling that broadened the Clean Water Act's scope.

Read full article Â»

Analysis

Breyer Retiring As Supreme Court Lurches Right

Justice Stephen Breyer is retiring from the U.S. Supreme Court at a time when his conservative colleagues on the bench seem intent on dismantling landmark precedents on abortion, affirmative action and the administrative state, to name a few. Can his successor preserve his liberal legacy?

Read full article Â»

Judge Jackson Back In Spotlight As High Court Contender

The upcoming vacancy on the U.S. Supreme Court quickly threw the spotlight back on D.C. Circuit Judge Ketanji Brown Jackson, a former clerk for Justice Stephen Breyer whose stature as a likely successor to the retiring justice was suddenly raised Wednesday.

2 documents attached | Read full article Â»

Podcast

The Term: Breyer's Legacy And The Nomination To Come

Justice Stephen Breyer on Thursday formally announced he would be retiring at the end of the Supreme Court term. Here, The Term breaks down the legacy he will leave behind and takes a look at what lies ahead for his potential successor with two special guests.

Read full article Â»

Biden At His Side, Justice Breyer Announces Retirement

Supreme Court Justice Stephen Breyer joined President Joe Biden at the White House Thursday to formally announce his retirement, kicking off a rush among Democrats to confirm a new member of the court to replace the oldest serving justice.

1 document attached | Read full article Â»

TOP NEWS

Calif. High Court Takes Up Fight Over County's Drilling Bans

The California Supreme Court has agreed to review a lower court's holding that an approved ballot initiative that would have banned new oil and gas wells, and phased out waste fluid disposal in a county south of San Francisco is preempted by state oil and gas laws.

Read full article Â»

Judge Says $6.1B Energy Deal Fight Can Proceed, This Time

A Delaware federal magistrate judge on Thursday recommended that revamped federal claims alleging shareholders were led astray about the $6.1 billion sale of renewable power company Pattern Energy should proceed, saying the investors adequately backed up their claims this time around.

Report attached | Read full article Â»

EPA Asks Court To OK $1.8M CERCLA Deal For Past Navy Site

The U.S. government asked a North Carolina federal court to sign off on a deal for the Defense Department to put $1.2 million toward cleaning up the site of an old Navy base while ViacomCBS and two other companies agreed to pay over half a million dollars for pollution tied to cabinet manufacturing.

Motion attached | Read full article Â»

AGs Ask OSHA For Climate Change Heat Standards

A coalition of six states has asked the Occupational Safety and Health Administration to establish national standards that consider occupational exposure to extreme heat to protect outdoor and indoor workers from the effects of rising temperatures due to climate change.

Read full article Â»

Aon Says 2021 Disasters Propelled High Insurable Losses

Hurricane Ida and other major storms that hit the U.S. in 2021 resulted in the third-costliest year on record for the

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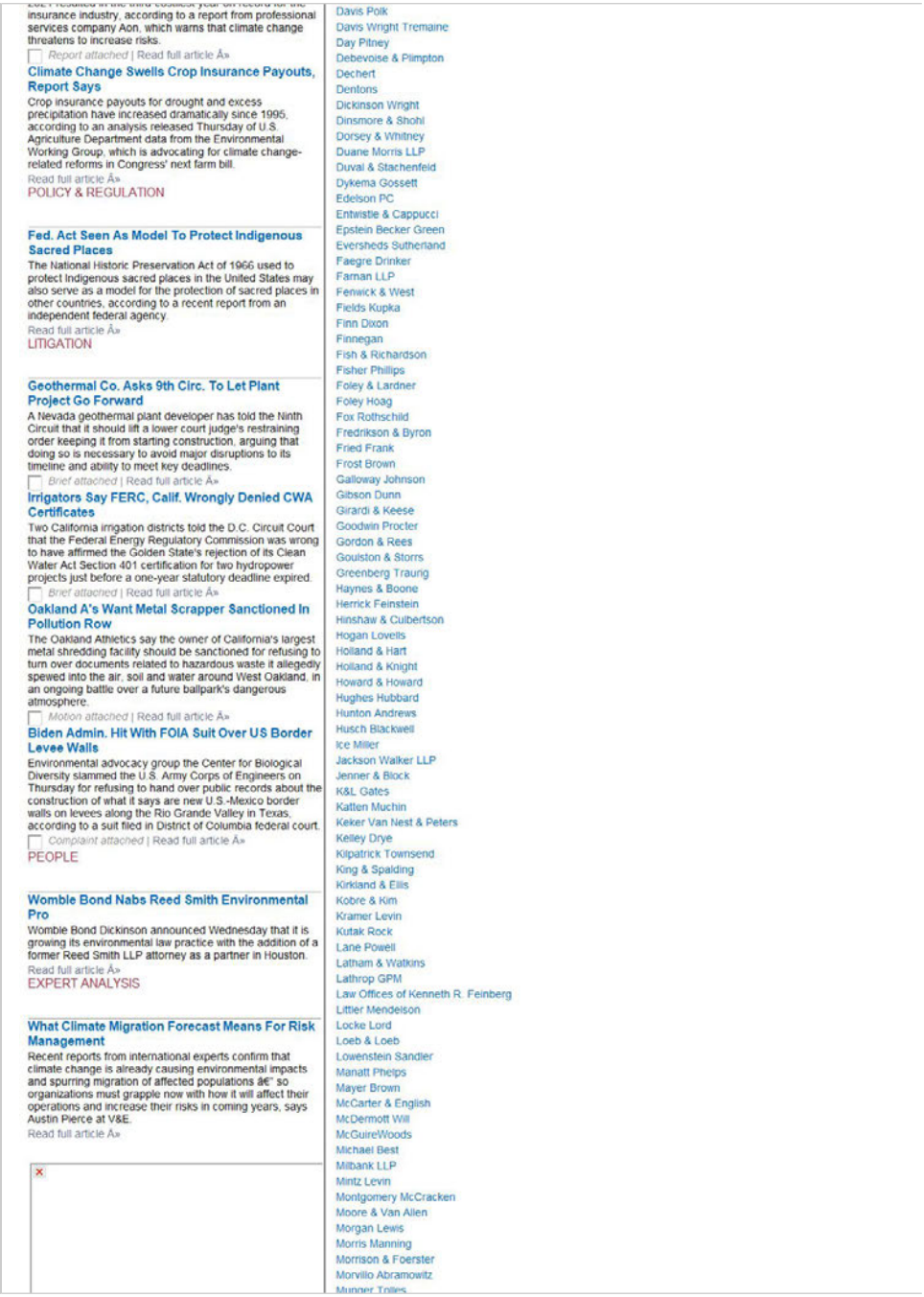

insurance industry, according to a report from professional services company Aon, which warns that climate change threatens to increase risks.

Report attached | Read full article Â»

Climate Change Swells Crop Insurance Payouts, Report Says

Crop insurance payouts for drought and excess precipitation have increased dramatically since 1995, according to an analysis released Thursday of U.S. Agriculture Department data from the Environmental Working Group, which is advocating for climate change-related reforms in Congress' next farm bill.

Read full article Â»

POLICY & REGULATION

Fed. Act Seen As Model To Protect Indigenous Sacred Places

The National Historic Preservation Act of 1966 used to protect Indigenous sacred places in the United States may also serve as a model for the protection of sacred places in other countries, according to a recent report from an independent federal agency.

Read full article Â»

LITIGATION

Geothermal Co. Asks 9th Circ. To Let Plant Project Go Forward

A Nevada geothermal plant developer has told the Ninth Circuit that it should lift a lower court judge's restraining order keeping it from starting construction, arguing that doing so is necessary to avoid major disruptions to its timeline and ability to meet key deadlines.

Brief attached | Read full article Â»

Irrigators Say FERC, Calif. Wrongly Denied CWA Certificates

Two California irrigation districts told the D.C. Circuit Court that the Federal Energy Regulatory Commission was wrong to have affirmed the Golden State's rejection of its Clean Water Act Section 401 certification for two hydropower projects just before a one-year statutory deadline expired.

Brief attached | Read full article Â»

Oakland A's Want Metal Scrapper Sanctioned In Pollution Row

The Oakland Athletics say the owner of California's largest metal shredding facility should be sanctioned for refusing to turn over documents related to hazardous waste it allegedly spewed into the air, soil and water around West Oakland, in an ongoing battle over a future ballpark's dangerous atmosphere.

Motion attached | Read full article Â»

Biden Admin. Hit With FOIA Suit Over US Border Levee Walls

Environmental advocacy group the Center for Biological Diversity slammed the U.S. Army Corps of Engineers on Thursday for refusing to hand over public records about the construction of what it says are new U.S.-Mexico border walls on levees along the Rio Grande Valley in Texas, according to a suit filed in District of Columbia federal court.

Complaint attached | Read full article Â»

PEOPLE

Womble Bond Nabs Reed Smith Environmental Pro

Womble Bond Dickinson announced Wednesday that it is growing its environmental law practice with the addition of a former Reed Smith LLP attorney as a partner in Houston.

Read full article Â»

EXPERT ANALYSIS

What Climate Migration Forecast Means For Risk Management

Recent reports from international experts confirm that climate change is already causing environmental impacts and spurring migration of affected populations â€" so organizations must grapple now with how it will affect their operations and increase their risks in coming years, says Austin Pierce at V&E.

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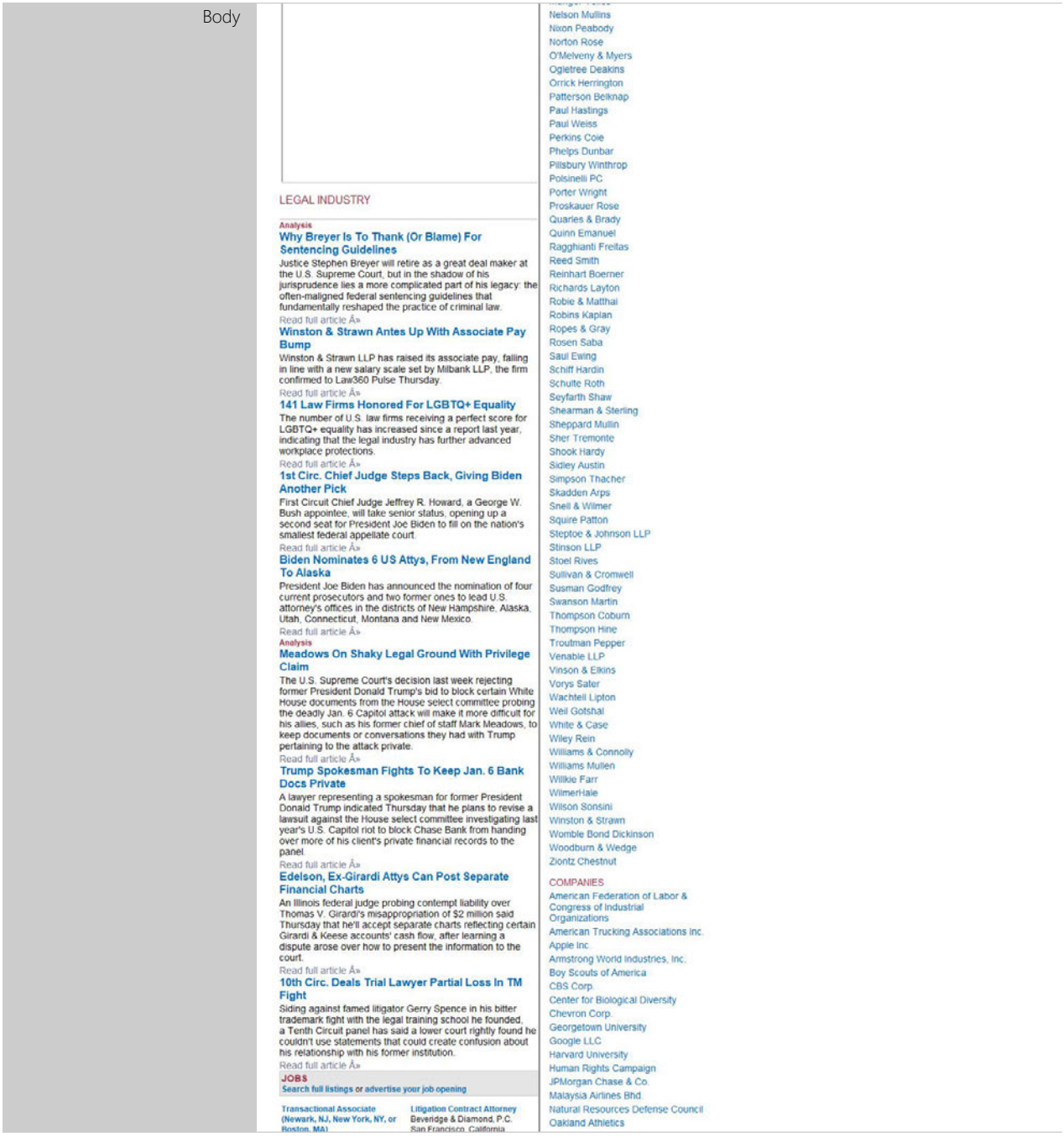

LEGAL INDUSTRY

Analysis

Why Breyer Is To Thank (Or Blame) For Sentencing Guidelines

Justice Stephen Breyer will retire as a great deal maker at the U.S. Supreme Court, but in the shadow of his jurisprudence lies a more complicated part of his legacy: the often-maligned federal sentencing guidelines that fundamentally reshaped the practice of criminal law.

Read full article Â»

Winston & Strawn Antes Up With Associate Pay Bump

Winston & Strawn LLP has raised its associate pay, falling in line with a new salary scale set by Milbank LLP, the firm confirmed to Law360 Pulse Thursday.

Read full article Â»

141 Law Firms Honored For LGBTQ+ Equality

The number of U.S. law firms receiving a perfect score for LGBTQ+ equality has increased since a report last year, indicating that the legal industry has further advanced workplace protections.

Read full article Â»

1st Circ. Chief Judge Steps Back, Giving Biden Another Pick

First Circuit Chief Judge Jeffrey R. Howard, a George W. Bush appointee, will take senior status, opening up a second seat for President Joe Biden to fill on the nation's smallest federal appellate court.

Read full article Â»

Biden Nominates 6 US Attys, From New England To Alaska

President Joe Biden has announced the nomination of four current prosecutors and two former ones to lead U.S. attorney's offices in the districts of New Hampshire, Alaska, Utah, Connecticut, Montana and New Mexico.

Read full article Â»

Analysis

Meadows On Shaky Legal Ground With Privilege Claim

The U.S. Supreme Court's decision last week rejecting former President Donald Trump's bid to block certain White House documents from the House select committee probing the deadly Jan. 6 Capitol attack will make it more difficult for his allies, such as his former chief of staff Mark Meadows, to keep documents or conversations they had with Trump pertaining to the attack private.

Read full article Â»

Trump Spokesman Fights To Keep Jan. 6 Bank Docs Private

A lawyer representing a spokesman for former President Donald Trump indicated Thursday that he plans to revise a lawsuit against the House select committee investigating last year's U.S. Capitol riot to block Chase Bank from handing over more of his client's private financial records to the panel.

Read full article Â»

Edelson, Ex-Girardi Attys Can Post Separate Financial Charts

An Illinois federal judge probing contempt liability over Thomas V. Girardi's misappropriation of $2 million said Thursday that he'll accept separate charts reflecting certain Girardi & Keese accounts' cash flow, after learning a dispute arose over how to present the information to the court.

Read full article Â»

10th Circ. Deals Trial Lawyer Partial Loss In TM Fight

Siding against famed litigator Gerry Spence in his bitter trademark fight with the legal training school he founded, a Tenth Circuit panel has said a lower court rightly found he couldn't use statements that could create confusion about his relationship with his former institution.

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Robins Kaplan
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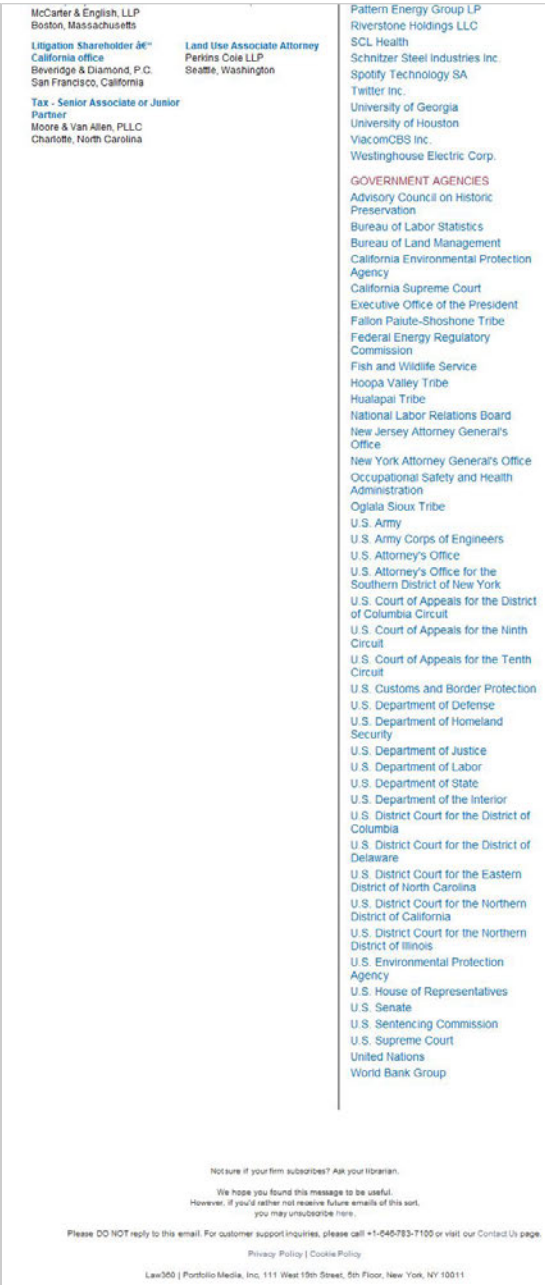
Body	

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Recipients	wstenehjem@nd.gov
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Sender Name	(SUP) News
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 4:40:45.000 PM
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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 3:45:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:40:44.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **F. Gene Gruber 1944-2021** Former County Judge F. Gene Gruber died Dec. 26. A UND School of Law graduate, he was admitted to the N.D. bar in 1971. A celebration of life will be held Jan. 11 in Horseshoe Bay, Texas. **N.D. Attorney General opinion: Dec. 30** Attorney General Wayne Stenehjem has issued an opinion that the requirement for recusal of a public official if there is an appearance of bias to a reasonable person is not manifestly contrary to the federal constitution. **U.S. chief justice issues 2021 report on federal judiciary** Chief Justice John Roberts has released the 2021 year-end report on the federal judiciary. **Job Announcement - Assistant State's Attorney** A job announcement for an Assistant State's Attorney with the Ramsey County State's Attorney's office in Devils Lake has been posted. **Job Announcement - Legal Assistant/Paralegal** A job announcement for a Legal Assistant/Paralegal with Ramsey County in Devils Lake has been posted.

Record 803

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:40:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 3:45:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 4:40:44.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **F. Gene Gruber 1944-2021** Former County Judge F. Gene Gruber died Dec. 26. A UND School of Law graduate, he was admitted to the N.D. bar in 1971. A celebration of life will be held Jan. 11 in Horseshoe Bay, Texas. **N.D. Attorney General opinion: Dec. 30** Attorney General Wayne Stenehjem has issued an opinion that the requirement for recusal of a public official if there is an appearance of bias to a reasonable person is not manifestly contrary to the federal constitution. **U.S. chief justice issues 2021 report on federal judiciary** Chief Justice John Roberts has released the 2021 year-end report on the federal judiciary. **Job Announcement - Assistant State's Attorney** A job announcement for an Assistant State's Attorney with the Ramsey County State's Attorney's office in Devils Lake has been posted. **Job Announcement - Legal Assistant/Paralegal** A job announcement for a Legal Assistant/Paralegal with Ramsey County in Devils Lake has been posted.

Record 804

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:45:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:50:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:45:31.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Supreme Court Arguments** **Thursday, January 6** • 9:30 AM - 20210273 - Schmitz v. State Board of Chiropractic Examiners • 10:45 AM - 20210226 - General Casualty Company of Wisconsin v. Davis Companies, et al. **North Dakota courts awarded grant to improve criminal case processing** The North Dakota Court System was recently awarded a $998,302 grant from the Department of Justice for a 3-year study and implementation project to reduce delay in criminal case processing. **Law library resources available to attorneys and public** The Law Library is now offering in-person visits by appointment, along with its ongoing phone, email, and mail legal research assistance. **N.D. Attorney General opinion: Jan. 4** Attorney General Wayne Stenehjem has issued an opinion that when distributing funds, the Treasurer should not take into account the gross production and oil extraction tax revenue derived from oil and gas exploration and production from wells located on reservation lands. **Job Announcement - Deputy Clerk** A job announcement for a Deputy Clerk with the District Court in Minot has been posted. **Job Announcement - Assistant State's Attorney** A job announcement for an Assistant State's Attorney with the Stark County State's Attorney's office in Dickinson has been posted.

Record 805

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:45:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:50:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 4:45:31.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Supreme Court Arguments** **Thursday, January 6** • 9:30 AM - 20210273 - Schmitz v. State Board of Chiropractic Examiners • 10:45 AM - 20210226 - General Casualty Company of Wisconsin v. Davis Companies, et al. **North Dakota courts awarded grant to improve criminal case processing** The North Dakota Court System was recently awarded a $998,302 grant from the Department of Justice for a 3-year study and implementation project to reduce delay in criminal case processing. **Law library resources available to attorneys and public** The Law Library is now offering in-person visits by appointment, along with its ongoing phone, email, and mail legal research assistance. **N.D. Attorney General opinion: Jan. 4** Attorney General Wayne Stenehjem has issued an opinion that when distributing funds, the Treasurer should not take into account the gross production and oil extraction tax revenue derived from oil and gas exploration and production from wells located on reservation lands. **Job Announcement - Deputy Clerk** A job announcement for a Deputy Clerk with the District Court in Minot has been posted. **Job Announcement - Assistant State's Attorney** A job announcement for an Assistant State's Attorney with the Stark County State's Attorney's office in Dickinson has been posted.

Record 806

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:54:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:59:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:54:26.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **New opinions: Jan. 6** The Supreme Court has issued 15 new opinions. **Absey honored for years of service to courts** Grand Forks County Clerk of Court Rebecca Absey was recognized at a Jan. 5 retirement celebration for more than 40 years of service with the court system.

Record 807

Sender Name	(SUP) News

Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:54:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:59:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:54:26.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **New opinions: Jan. 6** The Supreme Court has issued 15 new opinions. **Absey honored for years of service to courts** Grand Forks County Clerk of Court Rebecca Absey was recognized at a Jan. 5 retirement celebration for more than 40 years of service with the court system.

Record 808

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:33:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 3:39:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:33:49.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **ECJD issues order suspending jury trials** East Central Judicial District Presiding Judge John Irby has issued an order suspending jury trials due to COVID-19 transmission increases. **SCJD to return to remote proceedings** South Central Judicial District Presiding Judge Bruce Romanick has issued an order on expanded use of reliable electronic means proceedings. **N.D. Attorney General opinions: Jan. 19** Attorney General Wayne Stenehjem has issued two new opinions. **Big Muddy Bar Association posts 2022 schedule, seeks members** The Big Muddy Bar Association will again be hosting luncheons and providing CLE opportunities for its members in the South Central Judicial District. **U.S. Supreme Court opinion: Jan. 20** The United States Supreme Court has issued an opinion in a confrontation clause case.

Record 809

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov

Subject	News from the N.D. Supreme Court
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 3:39:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 4:33:49.000 PM

Record 810

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 4:25:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:30:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 4:25:24.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Supreme Court Arguments** **Monday, January 24** • Waived - 20210279 - Hudye Group v. Ward Cty. Bd. of Commissioners • 9:30 AM - 20210214 - Taylor v. Taylor • 10:45 AM - 20210202 - Baker v. Autos, Inc., et al. • 1:30 PM - 20210225 - WSI v. Boechler, PC, et al. **New opinions: Jan. 21** The Supreme Court has issued nine new opinions.

Record 811

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 4:25:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 3:30:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 4:25:24.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Supreme Court Arguments** **Monday, January 24** • Waived - 20210279 - Hudye Group v. Ward Cty. Bd. of Commissioners • 9:30 AM - 20210214 - Taylor v. Taylor • 10:45 AM - 20210202 - Baker v. Autos, Inc., et al. • 1:30 PM - 20210225 - WSI v. Boechler, PC, et al. **New opinions: Jan. 21** The Supreme Court has issued nine new opinions.

Record 812

Sender Name	(SUP) News

Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 4:33:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:37:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 4:33:30.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **New opinions: Jan. 27** The Supreme Court has issued three new opinions. **8th Circuit issues opinion in N.D. case** The United States Court of Appeals for the Eighth Circuit has issued an opinion in a North Dakota firearms possession case. **U.S. District Court sponsors civics education event** On Jan. 19, 48 students from West Fargo's Sheyenne High School participated in a civics education event organized by U.S. Magistrate Judge Alice R. Senechal. **Job Announcement - Law Clerk** A job announcement for a Law Clerk with the Burleigh County State's Attorney's office in Bismarck has been posted.

Record 813

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Recipients	wstenehjem@nd.gov
Subject	News from the N.D. Supreme Court
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:24:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:11:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:24:42.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Supreme Court accepting applications for Rural Attorney Recruitment Program** The North Dakota Supreme Court is currently accepting applications from counties, municipalities and attorneys interested in participating in the Rural Attorney Recruitment Program. **Edgeley High School team tops 'We the People' finals** After a morning of simulated congressional hearings that tested their knowledge of the U.S. Constitution and Bill of Rights, Edgeley High School took top honors at the 'We the People: The Citizen and the Constitution' state finals challenge. **8th Circuit decides N.D. case** The United States Court of Appeals for the Eighth Circuit has issued an opinion in a North Dakota insurance coverage case.

Record 814

Sender Name	(SUP) News
Sender Email	News@ndcourts.gov
Subject	News from the N.D. Supreme Court
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:11:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:24:42.000 AM

Record 815

Sender Name	GOVERNING Saturday
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	State and local governments have a historic opportunity to serve their communities.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/11/2021 9:10:12.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/11/2021 9:10:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/11/2021 9:10:13.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 816

Sender Name	GOVERNING Sunday Reads
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Can Political Parties Reform Themselves to Guide the Country Forward?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 9:35:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 9:35:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 9:35:08.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 817

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Most Major Cities Perform Poorly With Clean Energy
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:19:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:19:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:19:45.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 818

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Most Major Cities Perform Poorly With Clean Energy
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:19:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:19:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 6:19:45.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 819

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Birth, Death and Everything in Between: the Need for Seamless Government
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 6:26:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 6:26:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 6:26:43.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 820

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Birth, Death and Everything in Between: the Need for Seamless Government
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 6:26:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 6:26:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 6:26:43.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 821

Sender Name	Governing
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	[Papers] The Future Government Workplace, Grant Management Solutions, and More
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:04:00.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:03:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:04:00.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 822

Sender Name	Governing
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	[Papers] The Future Government Workplace, Grant Management Solutions, and More
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:04:00.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:03:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:04:00.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 823

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Rolling Coal vs. Biking. How Politics Has Changed Transportation.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:19:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:57.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 824

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Rolling Coal vs. Biking. How Politics Has Changed Transportation.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:19:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:57.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 825

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Incumbency Addiction: the Habit That Doesn't Go Away
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:24:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:23:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:24:05.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 826

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Incumbency Addiction: the Habit That Doesn't Go Away
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:24:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:23:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 6:24:05.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 827

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Map: How Have Past Pandemic Surges Affected Unemployment?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:30:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:29:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:30:22.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 828

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Map: How Have Past Pandemic Surges Affected Unemployment?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:30:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:29:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:30:22.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 829

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	THE YEAR IN REVIEW: Transportation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 6:20:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 6:19:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 6:20:25.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 830

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	THE YEAR IN REVIEW: Transportation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 6:20:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 6:19:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 6:20:25.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 831

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	THE YEAR IN REVIEW: Communities and Housing
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 6:21:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 6:20:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 6:21:17.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 832

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	THE YEAR IN REVIEW: Communities and Housing
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 6:21:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 6:20:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 6:21:17.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 833

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	THE YEAR IN REVIEW: Politics and Race
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:21:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:19:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:21:23.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 834

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	THE YEAR IN REVIEW: Politics and Race
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:21:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:19:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:21:23.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 835

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Rescuing Great Books from the Elites
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:21:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:20:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:21:03.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 836

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Rescuing Great Books from the Elites
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:21:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:20:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:21:03.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 837

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Why Land Titles Need to Go Digital
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:20:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:20:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:20:22.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 838

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Why Land Titles Need to Go Digital
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:20:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:20:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 6:20:22.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 839

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	2022 Brings Hope for State and Local Broadband Progress
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:40:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:39:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:40:32.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 840

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	2022 Brings Hope for State and Local Broadband Progress
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:40:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:39:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:40:32.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 841

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The U.S. Has Weathered Crises Before. Here's Why Jan. 6 Was Different.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 6:20:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 6:19:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 6:20:44.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 842

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The U.S. Has Weathered Crises Before. Here's Why Jan. 6 Was Different.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 6:20:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 6:19:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 6:20:44.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 843

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Lessons from Washington Metro, America's Last Great Subway System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 6:21:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 6:19:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 6:21:05.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 844

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Lessons from Washington Metro, America's Last Great Subway System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 6:21:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 6:19:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 6:21:05.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 845

Sender Name	GOVERNING Saturday
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Washington Metropolitan Area Transit Authority is simultaneously impressive and frustr ating for residents.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 9:10:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 9:09:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 9:10:47.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 846

Sender Name	GOVERNING Saturday
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Washington Metropolitan Area Transit Authority is simultaneously impressive and frustr ating for residents.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 9:10:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 9:09:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 9:10:47.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 847

Sender Name	GOVERNING Sunday Reads
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	An Essential Detour to Wounded Knee, South Dakota
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 9:35:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 9:34:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 9:35:38.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 848

Sender Name	GOVERNING Sunday Reads
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	An Essential Detour to Wounded Knee, South Dakota
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 9:35:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 9:34:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/9/2022 9:35:38.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 849

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Why Being Governor Is the Best Job in Politics
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:20:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:19:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:20:41.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 850

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Why Being Governor Is the Best Job in Politics
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:20:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:19:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:20:41.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 851

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Prison Population Drops as States Revamp Admission Policies
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:18:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:17:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:18:43.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 852

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Prison Population Drops as States Revamp Admission Policies
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:18:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:17:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:18:43.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 853

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Biggest Issues to Watch in 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:05:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:04:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:05:37.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 854

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Biggest Issues to Watch in 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:05:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:04:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:05:37.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 855

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Greener Acres: A Journey from San Francisco to Iowa Farmland
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 6:18:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 6:17:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 6:18:41.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 856

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Greener Acres: A Journey from San Francisco to Iowa Farmland
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 6:18:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 6:17:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 6:18:41.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 857

Sender Name	GOVERNING Saturday
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Schools Are Literally Running Out of Teachers
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 9:04:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 9:04:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 9:04:37.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 858

Sender Name	GOVERNING Saturday
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	Schools Are Literally Running Out of Teachers
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 9:04:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 9:04:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 9:04:37.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 859

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Threat to Our Democracy's Survival, and What We Can Do About It
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:19:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:19:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:19:11.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 860

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Threat to Our Democracy's Survival, and What We Can Do About It
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:19:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:19:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:19:11.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 861

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Fascinating Rise and Fall of Streetcar Suburbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 6:22:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 6:21:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 6:22:34.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 862

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	The Fascinating Rise and Fall of Streetcar Suburbs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 6:22:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 6:21:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 6:22:34.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 863

Sender Name	Governing
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	[Papers] Improving Outdoor Experience, Social Services Transformation, and More
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 2:02:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 2:02:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 2:02:57.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 864

Sender Name	GOVERNING Daily
Sender Email	newsletters@governing.com
Recipients	wstenehjem@nd.gov
Subject	When Politics and Public Administration Are at Odds
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 6:20:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 6:20:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 6:20:10.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 865

Sender Name	GOVERNING Saturday
Sender Email	newsletters@governing.com
Subject	American cars are getting almost as big as World War II tanks.
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/29/2022 9:05:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/29/2022 9:07:33.000 AM

Record 866

Sender Name	The Well News
Sender Email	newsletters@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Fare Well: Issue 39 | Generic Drug Boom, Blockchain for Veteran Health, Contraception Coverage Issues
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:13:09.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:13:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:13:09.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Body	

Record 867

Sender Name	The Well News
Sender Email	newsletters@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Fare Well: Issue 39 | Generic Drug Boom, Blockchain for Veteran Health, Contraception Coverage Issues
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:13:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:13:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:13:09.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Body	

Record 868

Sender Name	The Well News
Sender Email	newsletters@thewellnews.com
Subject	Fare Well: Issue 40 | The Silent Pandemic, COVID Clips, Dementia Village
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:25.000 AM

Record 869

Sender Name	The Well News
Sender Email	newsletters@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Fare Well: Issue 40 | The Silent Pandemic, COVID Clips, Dementia Village
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:24.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:25.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 870

Sender Name	The Well News
Sender Email	newsletters@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Fare Well: Issue 40 | The Silent Pandemic, COVID Clips, Dementia Village
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 9:23:25.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 871

Sender Name	C-SPAN.org
Sender Email	noreply@c-spanarchives.org
Recipients	wstenehjem@nd.gov
Subject	C-SPAN Alert
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:42:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:42:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:42:41.000 PM

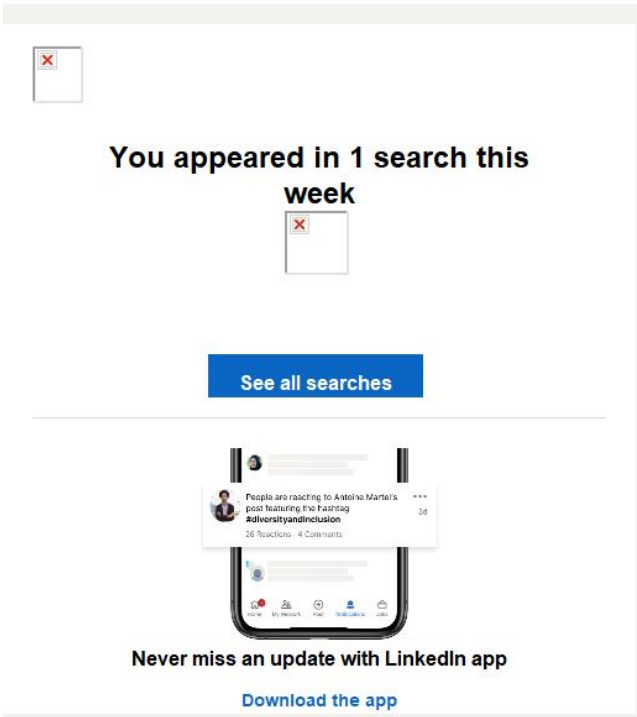
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Wayne, Justices Hear Case on Vaccine Mandate for Health Care Workers is now available for viewing in the C-SPAN Video Library. Thank you for your interest in the C-SPAN Networks. Cancel this alert.

Record 872

Sender Name	C-SPAN.org
Sender Email	noreply@c-spanarchives.org
Recipients	wstenehjem@nd.gov
Subject	C-SPAN Alert
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:42:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:42:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:42:41.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Wayne, Justices Hear Case on Vaccine Mandate for Health Care Workers is now available for viewing in the C-SPAN Video Library. Thank you for your interest in the C-SPAN Networks. Cancel this alert.

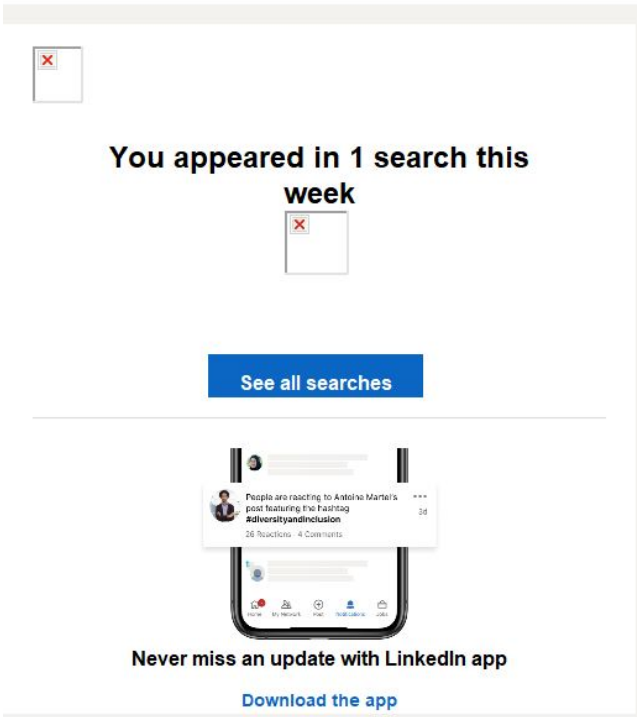
Record 873

Sender Name	LinkedIn
Sender Email	notifications-noreply@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	You appeared in 1 search this week
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:11:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:10:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:11:16.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. You are receiving LinkedIn notification emails. Unsubscribe | Help © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 874

Sender Name	LinkedIn
Sender Email	notifications-noreply@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	You appeared in 1 search this week
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:11:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:10:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:11:16.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  This email was intended for Wayne Stenehjem (Attorney General at Office of Attorney General). Learn why we included this. You are receiving LinkedIn notification emails. Unsubscribe | Help © 2022 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.

Record 875

Sender Name	LinkedIn
Sender Email	notifications-noreply@linkedin.com
Subject	You appeared in 8 searches this week
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/29/2022 10:11:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/29/2022 10:11:09.000 AM

Record 876

Sender Name	Poolman, Nicole
Sender Email	npoolman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Retirement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:19:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:19:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:19:16.000 PM

Body	Hello, my friend - I am sad to see the end of an era, but I am so happy for you and Beth. I am and will always be so proud to be your friend. Now we can finally make time to have dinner together! Nicole

Record 877

Sender Name	Poolman, Nicole
Sender Email	npoolman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Retirement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:19:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:19:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 12:19:16.000 PM
Body	Hello, my friend - I am sad to see the end of an era, but I am so happy for you and Beth. I am and will always be so proud to be your friend. Now we can finally make time to have dinner together! Nicole

Record 878

Sender Name	Tryhus, Nicole K.
Sender Email	ntryhus@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Call for you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:07:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:07:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:08:00.000 AM
Body	Sen Diane Larson called for you. She has a question arise last night at their District meeting on what the State Republican Party did. 701-400-7218 Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov

Record 879

Sender Name	Tryhus, Nicole K.
Sender Email	ntryhus@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Call for you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:07:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:07:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 10:08:00.000 AM

Body	Sen Diane Larson called for you. She has a question arise last night at their District meeting on what the State Republican Party did. 701-400-7218 Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov

Record 880

Sender Name	Grand Forks Herald
Sender Email	offers@grandforksherald.com
Recipients	wstenehjem@nd.gov
Subject	Join Jessie Veeder for an exclusive live blog this Wednesday!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:01:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:01:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:01:29.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 881

Sender Name	Grand Forks Herald
Sender Email	offers@grandforksherald.com
Recipients	wstenehjem@nd.gov
Subject	Join Jessie Veeder for an exclusive live blog this Wednesday!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:01:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:01:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 7:01:29.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 882

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:53:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:53:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:53:09.000 PM

Body

I earlier made a recommendation to join in this letter. Attached is the state sign-on status of 28 states. I certainly am OK if you do not wish to join and simply wanted to follow up. Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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From: Todd Leatherman <tleatherman@naag.org>
Sent: Tuesday, December 14, 2021 4:02 PM
To: Todd Leatherman <tleatherman@naag.org>
Cc: Ryan Greenstein <rgreenstein@naag.org>
Subject: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

CP Chiefs: Please see the attached and below from Ryan Greenstein. Ryan's email has also been sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants.

Best,

Todd

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

At the request of several offices, a minor change has been made to the attached draft letter. Your office does not need to rejoin the letter following this change.

If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Monday, December 13, 2021 9:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>

Body

Subject: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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Please see the below in the attached "CFPB Comment Letter Packet":

1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017).
2. Dear Colleague letter from Attorneys General Rosenblum and Wasden
3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002

If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543.

23 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Sunday, December 5, 2021 9:04 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: Deadline Extension: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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In response to a request from the lead offices, the CFPB has extended the deadline for comments. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

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11 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein

Body	Ryan Greenstein **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, December 2, 2021 2:28 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov> **Subject:** Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** Please note, this was determined based on the CFPB's deadline for responses. The lead sponsors have asked the CFPB for additional submission time as well. Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **Todd E. Leatherman** **Program Counsel, NAGTRI Center for Consumer Protection** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
CC	tseibel@nd.gov
Attachments	16004.docx, image001[14664].png, image002[14665].png, image003[14666].png, image004[14667].png, image005[14668].jpg, image006[14669].png, 16005.pdf

Record 883

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:53:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:53:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 4:53:09.000 PM

Body

I earlier made a recommendation to join in this letter. Attached is the state sign-on status of 28 states. I certainly am OK if you do not wish to join and simply wanted to follow up. Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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Sent: Tuesday, December 14, 2021 4:02 PM
To: Todd Leatherman <tleatherman@naag.org>
Cc: Ryan Greenstein <rgreenstein@naag.org>
Subject: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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Legislative Director and
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To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>

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To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
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CC	tseibel@nd.gov
Attachments	12646.docx, image001[11197].png, image002[11198].png, image003[11199].png, image004[11200].png, image005[11201].jpg, image006[11202].png, 12647.pdf

Record 884

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:29:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:29:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:29:03.000 AM

Body	Wayne: The attached proposed letter is consistent with our meatpacker investigation and previous letter. I am inclined to recommend joining. Of course, we can see what states have signed on by Friday? *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Emily Myers <emyers@naag.org> **Sent:** Tuesday, December 14, 2021 12:20 PM **To:** Emily Myers <emyers@naag.org> **Subject:** FW: USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Antitrust Contacts Please see the message below and the attached sign-on letter to USDA about the Packers and Stockyards Act. This sign-on opportunity is also being sent to your front offices. Please contact Elizabeth at Elizabeth.odette@ag.state.mn.us or (651) 728-7208 with any questions. Emily From Elizabeth: The states of Minnesota and Wyoming are sponsoring the attached letter to the US Department of Agriculture regarding potential reforms to the Packers and Stockyards Act. USDA is in the process of drafting new rules and implementing new programs to strengthen enforcement under the Packers and Stockyards Act, and we believe it is important for states to weigh-in during this process. The letter was drafted by Minnesota and Iowa, in consultation with states on the Agriculture Committee. We are seeking additional states for sign-on. The deadline to sign-on is this **Friday, December 17 at 3PM Eastern**. Sincerely, Elizabeth Odette **Elizabeth R. Odette** Assistant Attorney General Civil, Wage Theft & Antitrust Division OFFICE OF MINNESOTA ATTORNEY GENERAL KEITH ELLISON 445 Minnesota Street, Suite 1400 St. Paul, MN 55101-2131 Direct (651) 728-7208 Fax: (651) 296-9663 elizabeth.odette@ag.state.mn.us She/Her/Hers* *Why do pronouns matter? Click here. Office of the Minnesota Attorney General Disclaimer: This e-mail is intended to be read only by the intended recipient. This e-mail may be legally privileged or protected from disclosure by law. If you are not the intended recipient, any dissemination of this e-mail or any attachments is strictly prohibited, and you should refrain from reading this e-mail or examining any attachments. If you received this e-mail in error, please notify the sender immediately and delete this e-mail and any attachments. Thank you.
CC	tseibel@nd.gov, ealm@nd.gov
Attachments	16003.docx

Record 885

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:29:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:29:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 8:29:03.000 AM

Body	Wayne: The attached proposed letter is consistent with our meatpacker investigation and previous letter. I am inclined to recommend joining. Of course, we can see what states have signed on by Friday? *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Emily Myers <emyers@naag.org> **Sent:** Tuesday, December 14, 2021 12:20 PM **To:** Emily Myers <emyers@naag.org> **Subject:** FW: USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Antitrust Contacts Please see the message below and the attached sign-on letter to USDA about the Packers and Stockyards Act. This sign-on opportunity is also being sent to your front offices. Please contact Elizabeth at Elizabeth.odette@ag.state.mn.us or (651) 728-7208 with any questions. Emily From Elizabeth: The states of Minnesota and Wyoming are sponsoring the attached letter to the US Department of Agriculture regarding potential reforms to the Packers and Stockyards Act. USDA is in the process of drafting new rules and implementing new programs to strengthen enforcement under the Packers and Stockyards Act, and we believe it is important for states to weigh-in during this process. The letter was drafted by Minnesota and Iowa, in consultation with states on the Agriculture Committee. We are seeking additional states for sign-on. The deadline to sign-on is this **Friday, December 17 at 3PM Eastern**. Sincerely, Elizabeth Odette **Elizabeth R. Odette** Assistant Attorney General Civil, Wage Theft & Antitrust Division OFFICE OF MINNESOTA ATTORNEY GENERAL KEITH ELLISON 445 Minnesota Street, Suite 1400 St. Paul, MN 55101-2131 Direct (651) 728-7208 Fax: (651) 296-9663 elizabeth.odette@ag.state.mn.us She/Her/Hers* *Why do pronouns matter? Click here. Office of the Minnesota Attorney General Disclaimer: This e-mail is intended to be read only by the intended recipient. This e-mail may be legally privileged or protected from disclosure by law. If you are not the intended recipient, any dissemination of this e-mail or any attachments is strictly prohibited, and you should refrain from reading this e-mail or examining any attachments. If you received this e-mail in error, please notify the sender immediately and delete this e-mail and any attachments. Thank you.
CC	tseibel@nd.gov, ealm@nd.gov
Attachments	12645.docx

Record 886

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Distribution of Photos to Non Clients
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:53:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:53:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:53:19.000 AM

Body	FYI: As separate example, not the one alluded to in the e-mail below, Missy Steele received the photo gallery for birth pictures for one of her daughter's friends, and it shows the child's birthdate. In addition to other obvious concerns, I believe this constitutes a data breach by Glasser and Shootproof. All any recipient needs to do is to enter someone's e-mail address. I have no doubt that the O'Keeffe Law Firm (and Shootproof) are scrambling per my e-mail below. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Grossman, Parrell D. **Sent:** Wednesday, December 15, 2021 11:19 AM **To:** Tim M. O'Keeffe <tim@okeeffeattorneys.com>; Tatum O'Brien <tatum@okeeffeattorneys.com> **Cc:** Card, Brian M. <bmcard@nd.gov>; Kraft, Crystal M. <crkraft@nd.gov>; Moch, Leann M. <lemoch@nd.gov>; Kayla J. Peterson <kayla@okeeffeattorneys.com> **Subject:** Distribution of Photos to Non Clients Tim and/or Tatum: Do you have time to visit today? The Attorney General is receiving complaints from consumers who's photos have been shared publicly via links. It appears that anyone receiving the link can access the photos and that they are not password protected. For instance, one consumer is alarmed that their birthing photos were shared with others who can view these photos. This does not seem appropriate, notwithstanding if there is any potential legal ability for Glasser to do so. Please let us know a time or times to visit today and we believe it important to do so. Thank you. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	lbrocker@nd.gov, tseibel@nd.gov

Record 887

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Distribution of Photos to Non Clients
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:53:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:53:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:53:19.000 AM

Body	FYI: As separate example, not the one alluded to in the e-mail below, Missy Steele received the photo gallery for birth pictures for one of her daughter's friends, and it shows the child's birthdate. In addition to other obvious concerns, I believe this constitutes a data breach by Glasser and Shootproof. All any recipient needs to do is to enter someone's e-mail address. I have no doubt that the O'Keeffe Law Firm (and Shootproof) are scrambling per my e-mail below. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Grossman, Parrell D. **Sent:** Wednesday, December 15, 2021 11:19 AM **To:** Tim M. O'Keeffe <tim@okeeffeattorneys.com>; Tatum O'Brien <tatum@okeeffeattorneys.com> **Cc:** Card, Brian M. <bmcard@nd.gov>; Kraft, Crystal M. <crkraft@nd.gov>; Moch, Leann M. <lemoch@nd.gov>; Kayla J. Peterson <kayla@okeeffeattorneys.com> **Subject:** Distribution of Photos to Non Clients Tim and/or Tatum: Do you have time to visit today? The Attorney General is receiving complaints from consumers who's photos have been shared publicly via links. It appears that anyone receiving the link can access the photos and that they are not password protected. For instance, one consumer is alarmed that their birthing photos were shared with others who can view these photos. This does not seem appropriate, notwithstanding if there is any potential legal ability for Glasser to do so. Please let us know a time or times to visit today and we believe it important to do so. Thank you. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	lbrocker@nd.gov, tseibel@nd.gov

Record 888

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act--Sign-on Deadline Extended
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:09:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:09:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:09:31.000 PM

Body	*Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Emily Myers <emyers@naag.org> **Sent:** Friday, December 17, 2021 7:21 AM **To:** Emily Myers <emyers@naag.org> **Subject:** USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act--Sign-on Deadline Extended **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Antitrust Contacts Please see the message below from Elizabeth Odette regarding the USDA policy letter on the Packers and Stockyards Act Emily From Elizabeth: The letter to the US Department of Agriculture sponsored by Minnesota and Wyoming circulated earlier this week has some edits based on feedback received and is now in final form. A redline comparing versions and a clean version of the final letter are attached. To give States the opportunity to consider the updated version of the letter, the deadline to sign-on is extended to **Monday, December 20 at 6PM Eastern.** As mentioned in the previous communication, USDA is in the process of drafting new rules and implementing new programs to strengthen enforcement under the Packers and Stockyards Act, and we believe it is important for states to weigh-in during this process. The letter was drafted by Minnesota and Iowa, in consultation with states on the Agriculture Committee. We are seeking additional states for sign-on. Thank you to States that have already confirmed. Thanks, Elizabeth **Elizabeth R. Odette** Assistant Attorney General Civil, Wage Theft & Antitrust Division OFFICE OF MINNESOTA ATTORNEY GENERAL KEITH ELLISON 445 Minnesota Street, Suite 1400 St. Paul, MN 55101-2131 Direct (651) 728-7208 Fax: (651) 296-9663 elizabeth.odette@ag.state.mn.us She/Her/Hers* *Why do pronouns matter? Click here.
Attachments	15980.docx, 15981.docx

Record 889

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act--Sign-on Deadline Extended
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:09:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:09:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 1:09:31.000 PM

Body	*Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Emily Myers <emyers@naag.org> **Sent:** Friday, December 17, 2021 7:21 AM **To:** Emily Myers <emyers@naag.org> **Subject:** USDA Policy Letter - Strengthening Enforcement Under the Packers and Stockyards Act--Sign-on Deadline Extended **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Antitrust Contacts Please see the message below from Elizabeth Odette regarding the USDA policy letter on the Packers and Stockyards Act Emily From Elizabeth: The letter to the US Department of Agriculture sponsored by Minnesota and Wyoming circulated earlier this week has some edits based on feedback received and is now in final form. A redline comparing versions and a clean version of the final letter are attached. To give States the opportunity to consider the updated version of the letter, the deadline to sign-on is extended to **Monday, December 20 at 6PM Eastern.** As mentioned in the previous communication, USDA is in the process of drafting new rules and implementing new programs to strengthen enforcement under the Packers and Stockyards Act, and we believe it is important for states to weigh-in during this process. The letter was drafted by Minnesota and Iowa, in consultation with states on the Agriculture Committee. We are seeking additional states for sign-on. Thank you to States that have already confirmed. Thanks, Elizabeth **Elizabeth R. Odette** Assistant Attorney General Civil, Wage Theft & Antitrust Division OFFICE OF MINNESOTA ATTORNEY GENERAL KEITH ELLISON 445 Minnesota Street, Suite 1400 St. Paul, MN 55101-2131 Direct (651) 728-7208 Fax: (651) 296-9663 elizabeth.odette@ag.state.mn.us She/Her/Hers* *Why do pronouns matter? Click here.
Attachments	12622.docx, 12623.docx

Record 890

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Nicholas DeRosier
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:12:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:12:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:12:48.000 PM

Body	FYI: *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Card, Brian M. <bmcard@nd.gov> **Sent:** Friday, December 17, 2021 3:11 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Schroeder, Chris N. <cschroed@nd.gov>; Moch, Leann M. <lemoch@nd.gov> **Subject:** Nicholas DeRosier FYI DeRosier has been charged by the feds. I have attached the complaint, but you can also view the docket here: United States v. Derosier, 3:21-mj-00521 – CourtListener.com Brian Card Assistant Attorney General Consumer Protection & Antitrust Division Office of Attorney General of North Dakota 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736 Ph: 701-328-5570 Fax: 701-328-5568
Attachments	gov.uscourts.ndd.48457.1.0[15977].pdf, gov.uscourts.ndd.48457.1.1[15976].pdf

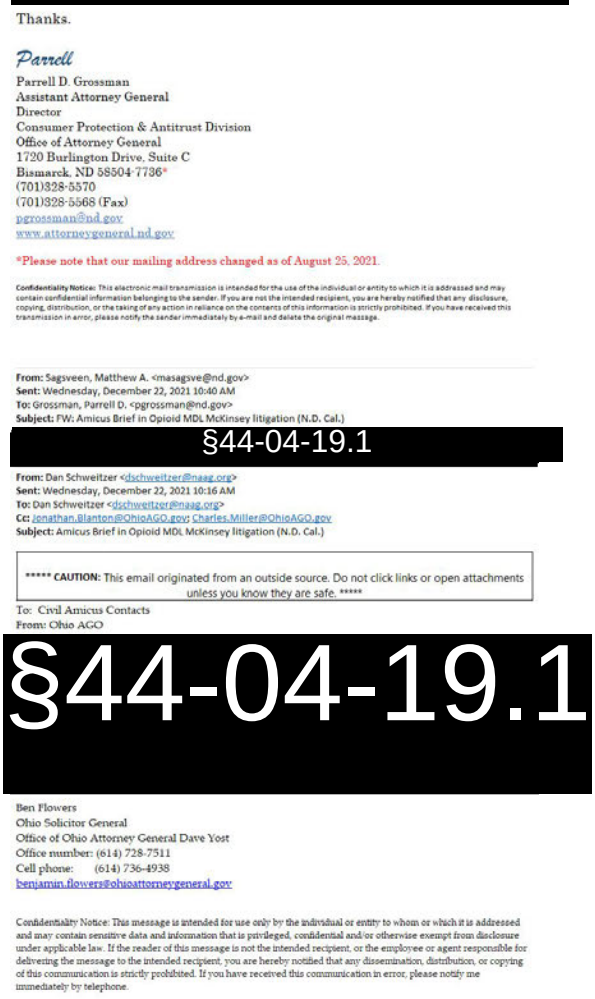
Record 891

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Nicholas DeRosier
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:12:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:12:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:12:48.000 PM

Body	FYI: *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Card, Brian M. <bmcard@nd.gov> **Sent:** Friday, December 17, 2021 3:11 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Schroeder, Chris N. <cschroed@nd.gov>; Moch, Leann M. <lemoch@nd.gov> **Subject:** Nicholas DeRosier FYI DeRosier has been charged by the feds. I have attached the complaint, but you can also view the docket here: United States v. Derosier, 3:21-mj-00521 – CourtListener.com Brian Card Assistant Attorney General Consumer Protection & Antitrust Division Office of Attorney General of North Dakota 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736 Ph: 701-328-5570 Fax: 701-328-5568
Attachments	gov.uscourts.ndd.48457.1.0[12619].pdf, gov.uscourts.ndd.48457.1.1[12618].pdf

Record 892

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	masagsve@nd.gov
Subject	FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 11:21:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 11:21:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 11:21:41.000 AM

Body	§44-04-19.1 
CC	wstenehjem@nd.gov, ealm@nd.gov, tseibel@nd.gov
Attachments	14937.docx

Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, December 22, 2021 10:40 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

§44-04-19.1

From: Dan Schweitzer <dschweitzer@naag.org>
Sent: Wednesday, December 22, 2021 10:16 AM
To: Dan Schweitzer <dschweitzer@naag.org>
Cc: Jonathan.Blanton@OhioAGO.gov; Charles.Miller@OhioAGO.gov
Subject: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

To: Civil Amicus Contacts
From: Ohio AGO

§44-04-19.1

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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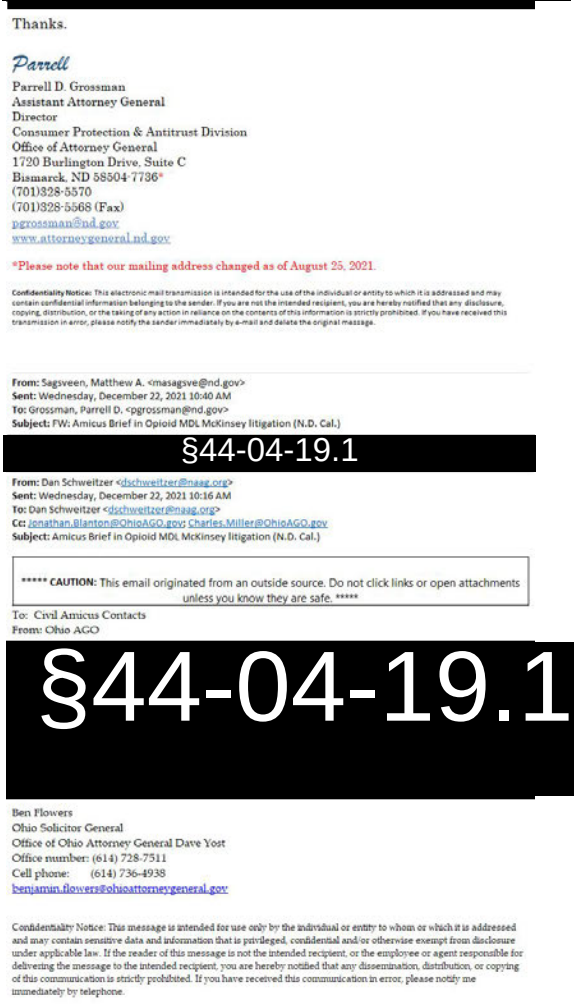
Record 893

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	masagsve@nd.gov
Subject	FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 11:21:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 11:21:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 11:21:41.000 AM

Body	§44-04-19.1 
CC	wstenehjem@nd.gov, ealm@nd.gov, tseibel@nd.gov
Attachments	12597.docx

Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, December 22, 2021 10:40 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

§44-04-19.1

From: Dan Schweitzer <dschweitzer@naag.org>
Sent: Wednesday, December 22, 2021 10:16 AM
To: Dan Schweitzer <dschweitzer@naag.org>
Cc: Jonathan.Blanton@OhioAGO.gov; Charles.Miller@OhioAGO.gov
Subject: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

To: Civil Amicus Contacts
From: Ohio AGO

§44-04-19.1

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Record 894

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	Re: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 7:39:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 7:39:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 7:39:04.000 AM

Body

§44-04-19.1

Get Outlook for iOS
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 23, 2021 6:37:40 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Cc: Alm, Elin S. <ealm@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Re: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

§44-04-19.1

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Wednesday, December 22, 2021 12:21:38 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Cc: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Alm, Elin S. <ealm@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

§44-04-19.1

Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736

Body	Bismarck, ND 58504-4796 (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 22, 2021 10:40 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) §44-04-19.1 **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 10:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan.Blanton@OhioAGO.gov; Charles.Miller@OhioAGO.gov **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO §44-04-19.1 Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	ealm@nd.gov, tseibel@nd.gov

Record 895

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	Re: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 7:39:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 7:39:02.000 AM
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Cc: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Alm, Elin S. <ealm@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

§44-04-19.1

Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736

Body	Bismarck, ND 58504-4796 (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 22, 2021 10:40 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) §44-04-19.1 **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 10:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan.Blanton@OhioAGO.gov; Charles.Miller@OhioAGO.gov **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO §44-04-19.1 Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	ealm@nd.gov, tseibel@nd.gov

Record 896

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:31:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:31:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:31:42.000 AM

Body	Wayne, I have no objection to joining this Amicus. I just want to be sure you are comfortable with it. In that instance, I am completely comfortable with recommending North Dakota join. Just let us know. Thanks. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, December 27, 2021 12:04:32 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Any change of opinion on this Parrell? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 11:41:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: **614-752-8237** Cincinnati: **513-852-1565** Office Cell: **513-607-0406** Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
Attachments	image003[14983].png

Record 897

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 8:31:42.000 AM
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Body	Wayne, I have no objection to joining this Amicus. I just want to be sure you are comfortable with it. In that instance, I am completely comfortable with recommending North Dakota join. Just let us know. Thanks. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, December 27, 2021 12:04:32 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Any change of opinion on this Parrell? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 11:41:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: **614-752-8237** Cincinnati: **513-852-1565** Office Cell: **513-607-0406** Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
Attachments	image003[11547].png

Record 898

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Frida y, Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:36:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:36:37.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:36:41.000 AM

Body	Wayne, I recommend we join in this sign-on. The deadline is January 7. Get Outlook for iOS **From:** Nayer, Tracy <Tnayer@ncdoj.gov> **Sent:** Wednesday, December 29, 2021 12:41:20 PM **To:** Nayer, Tracy <tnayer@ncdoj.gov> **Cc:** David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon <bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen <Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) <rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura <lbrewer@ncdoj.gov> **Subject:** NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	FNPRM-GatewayProviders_Oct2021[15943].pdf, image001[15016].png, 15944.pdf, 15942.pdf

Record 899

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Frida y, Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:36:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:36:37.000 AM
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Body	Wayne, I recommend we join in this sign-on. The deadline is January 7. Get Outlook for iOS **From:** Nayer, Tracy <Tnayer@ncdoj.gov> **Sent:** Wednesday, December 29, 2021 12:41:20 PM **To:** Nayer, Tracy <tnayer@ncdoj.gov> **Cc:** David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon <bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen <Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) <rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura <lbrewer@ncdoj.gov> **Subject:** NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	FNPRM-GatewayProviders_Oct2021[12578].pdf, image001[11583].png, 12579.pdf, 12577.pdf

Record 900

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday , Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:27:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:27:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:27:18.000 PM

Body

OK. Thanks!

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 30, 2021 10:44 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: Re: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Unless you hear otherwise from me, join!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Thursday, December 30, 2021 11:36:37 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

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Sent: Wednesday, December 29, 2021 12:41:20 PM
To: Nayer, Tracy <tnayer@ncdoj.gov>
Cc: David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon < bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen < Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) < rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura < lbrewer@ncdoj.gov>
Subject: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	image001[15021].png

Record 901

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	RE: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday , Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:27:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:27:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 1:27:18.000 PM

Body

OK. Thanks!

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 30, 2021 10:44 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: Re: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Unless you hear otherwise from me, join!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Thursday, December 30, 2021 11:36:37 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Wayne, I recommend we join in this sign-on. The deadline is January 7.

Get Outlook for iOS

From: Nayer, Tracy <Tnayer@ncdoj.gov>
Sent: Wednesday, December 29, 2021 12:41:20 PM
To: Nayer, Tracy <tnayer@ncdoj.gov>
Cc: David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon < bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen < Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) < rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura < lbrewer@ncdoj.gov>
Subject: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	image001[11588].png

Record 902

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	jkasper@nd.gov
Subject	Leonard Mosbrucker Complaint
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:02:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:02:40.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:02:41.000 AM

Body	Attention Honorable Jim Kasper: Representative Kasper, attached is our Investigative Report in this matter. The matter has been completed and will remain on file. Thank you for reporting your concerns to this Office. Respectfully, *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	thetzler@nd.gov
Attachments	15940.pdf

Record 903

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	jkasper@nd.gov
Subject	Leonard Mosbrucker Complaint
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:02:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:02:40.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:02:41.000 AM

Body	Attention Honorable Jim Kasper: Representative Kasper, attached is our Investigative Report in this matter. The matter has been completed and will remain on file. Thank you for reporting your concerns to this Office. Respectfully, *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	thetzler@nd.gov
Attachments	12575.pdf

Record 904

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Google Street View Amicus Brief - 9th Circuit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 5:10:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 5:10:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 5:10:07.000 PM

Body

Thanks, Matt. This 9th Circuit panel decision is astounding and my recommendation will be to join after we have had an opportunity to join the amicus brief.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, January 12, 2022 4:43 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov>
Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Google Street View Amicus Brief - 9th Circuit

Just FYI, AZ is giving us advance notice of an upcoming short deadline brief relating to the class action settlement in the Google case.
Matt

From: Sawyer, Kate <Kate.Sawyer@azag.gov>
Sent: Wednesday, January 12, 2022 11:02 AM
To: Roysden, Beau <Beau.Roysden@azag.gov>; Patel, Keena <Keena.Patel@azag.gov>
Subject: RE: Google Street View Amicus Brief - 9th Circuit

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Colleagues,

The Ninth Circuit issued an opinion at the end of December affirming the class action settlement in *In Re Google Inc. Street View Electronic Communications Litigation* (opinion attached). Your AGs previously signed on to the amicus brief that we filed in the Ninth Circuit in August 2020 (also attached).

As a reminder, this is a case where the settlement creates a $13 million cash fund, but the entire fund is being sent to class counsel, class representatives, and *cy pres* recipients. Additionally, the settlement's injunctive

Body	relief mirrored relief already obtained by 39 State AGs in 2013. Judge Bade wrote the opinion for the court, affirming the district court's order certifying the class, approving the settlement agreement, and awarding attorneys' fees. But Judge Bade also wrote a separate concurrence expressing general concerns about *cy pres* awards. The objector has filed a petition for rehearing and rehearing en banc (attached). We intend to file a short amicus brief in support of the petition. Our brief will focus on the importance of this issue, as evidenced by the Supreme Court granting a petition in a similar case a few years ago (in which they ultimately did not reach the merits). We will also include some of the language in our original brief about *cy pres* in class actions generally. The brief is due January 20th, but because of the quick turnaround, we may not be able to circulate until a day or two before and wanted to give you advance notice of the request to join. If you have any questions in the meantime, please feel free to reach out to me, Keena, or Beau. Best, Kate Sawyer Assistant Solicitor General Office of the Attorney General Solicitor General's Office 2005 N Central Ave, Phoenix, AZ 85004 Direct: 602-542-8304 Kate.Sawyer@azag.gov **From:** Sawyer, Kate **Sent:** Thursday, August 20, 2020 11:13 AM **To:** Sawyer, Kate <Kate.Sawyer@azag.gov> **Cc:** Skinner, OH <O.H.Skinner@azag.gov> **Subject:** Google Street View Amicus Brief - 9th Circuit Colleagues, Attached please find the as-filed Amicus Brief in the *Google Street View* class action matter in the 9th Circuit, which we filed last evening. As a reminder, this is a case where the settlement created a $13 million fund, but the entire fund is being sent to class counsel, class representatives, and *cy pres* recipients. And the settlement's injunctive relief mirrored relief already obtained by 39 State AGs in 2013. We are very happy to report that we ended up with a 13-state bipartisan coalition consisting of: **Arizona, Alabama, Alaska, Arkansas, Idaho, Indiana, Kansas, Louisiana, Missouri, Nevada, North Dakota, Ohio, and Oklahoma.** Thank you so much to each and every one of you for working alongside us on this brief; we know obtaining sign on can take a lot of work and effort. We will keep everyone appraised as things advance. Best, Kate Sawyer Assistant Solicitor General Appeals and Constitutional Litigation Division Office of the Attorney General 2005 N Central Ave, Phoenix, AZ 85004 Direct: 602-542-8304 Kate.Sawyer@azag.gov
CC	jthiel@nd.gov
Attachments	image001[15291].jpg

Record 905

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Subject	RE: Google Street View Amicus Brief - 9th Circuit
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 5:10:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 5:10:07.000 PM

Record 906

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 4:22:51.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 4:22:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 4:22:52.000 PM
Body	The last attachment is the states signed on so far. The deadline in tomorrow and I don't see a compelling need to join, but have no objection and defer to you. Thanks! *Parrell* **From:** Ryan Greenstein <rgreenstein@naag.org> **Sent:** Thursday, January 13, 2022 3:30 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Tuesday, January 11, 2022 9:29 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** RE: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* In response to feedback from other offices, the comment letter to the FDA has been amended. Please see the attached redlined version. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids

Body	If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, January 6, 2022 3:11 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	tseibel@nd.gov
Attachments	15884.pdf, image001[15350].png, image002[15351].png, image003[15352].png, image004[15353].png, 15886.DOCX, 15887.pdf, 15885.pdf

Record 907

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 4:22:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 4:22:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 4:22:52.000 PM

Body

The last attachment is the states signed on so far. The deadline in tomorrow and I don't see a compelling need to join, but have no objection and defer to you. Thanks!

Parrell

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Thursday, January 13, 2022 3:30 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
Subject: REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

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This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.**

The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids

If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov.

For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Tuesday, January 11, 2022 9:29 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
Subject: RE: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

In response to feedback from other offices, the comment letter to the FDA has been amended. Please see the attached redlined version. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.**

The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids

Body	If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, January 6, 2022 3:11 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	tseibel@nd.gov
Attachments	12521.pdf, image001[11964].png, image002[11965].png, image003[11966].png, image004[11967].png, 12523.DOCX, 12524.pdf, 12522.pdf

Record 908

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:15:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:15:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:15:36.000 AM

Body	Thank you, Matt and Wayne. Yes, absolutely, I recommend that North Dakota join in this amicus. It involves our Google IAP case. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 20, 2022 9:12:47 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** RE: Amicus Brief in Epic v. Apple (9th Cir.) Interested in Parrell's take on this. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, January 20, 2022 9:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Epic v. Apple (9th Cir.) Attached is a new amicus request regarding a brief written by Utah – response is due **January 26.** I don't have a strong opinion, but Parrell might. Here is a description: Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Thursday, January 20, 2022 6:56 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Epic v. Apple (9th Cir.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Office Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. If you are interested in joining or have any questions, please email melissaholyoak@agutah.gov by **COB January 26, 2022.** Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov

Record 909

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:15:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:15:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:15:36.000 AM

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Record 910

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Google Street View Amicus Brief - 9th Circuit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:39:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:39:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:39:33.000 PM

Body

Thank you. I had previously recommended that we join in this amicus and was just awaiting the final brief. I now fully recommend that North Dakota join. Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, January 20, 2022 9:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov>
Subject: FW: Google Street View Amicus Brief - 9th Circuit

ND signed on to the merits brief in this case. There is another amicus opportunity here on rehearing. Deadline is tonight.

From: Sawyer, Kate <Kate.Sawyer@azag.gov>
Sent: Wednesday, January 19, 2022 10:01 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; Patel, Keena <Keena.Patel@azag.gov>
Cc: Catlett, Michael <Michael.Catlett@azag.gov>
Subject: RE: Google Street View Amicus Brief - 9th Circuit

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Colleagues,

Attached is a draft of the below mentioned brief, which we are still editing and finalizing. Much of this information was already in our coalition's earlier brief in this appeal.

The brief is due tomorrow night. If you would like to continue to be a part of this coalition, please let us know by no later than **6 p.m. EST tomorrow** (**Thursday, 1/20**). If we do not hear from you by that time, we will assume that you do not want to be included on this brief.

As always, please feel free to reach out to us with any questions or suggestions.

Best,

Kate Sawyer
Assistant Solicitor General
Office of the Attorney General
Solicitor General's Office
2005 N Central Ave, Phoenix, AZ 85004
Direct: 602-542-8304
Kate.Sawyer@azag.gov

Body	**From:** Sawyer, Kate **Sent:** Wednesday, January 12, 2022 10:02 AM **To:** Roysden, Beau <Beau.Roysden@azag.gov>; Patel, Keena <Keena.Patel@azag.gov> **Subject:** RE: Google Street View Amicus Brief - 9th Circuit Colleagues, The Ninth Circuit issued an opinion at the end of December affirming the class action settlement in *In Re Google Inc. Street View Electronic Communications Litigation* (opinion attached). Your AGs previously signed on to the amicus brief that we filed in the Ninth Circuit in August 2020 (also attached). As a reminder, this is a case where the settlement creates a $13 million cash fund, but the entire fund is being sent to class counsel, class representatives, and *cy pres* recipients. Additionally, the settlement's injunctive relief mirrored relief already obtained by 39 State AGs in 2013. Judge Bade wrote the opinion for the court, affirming the district court's order certifying the class, approving the settlement agreement, and awarding attorneys' fees. But Judge Bade also wrote a separate concurrence expressing general concerns about *cy pres* awards. The objector has filed a petition for rehearing and rehearing en banc (attached). We intend to file a short amicus brief in support of the petition. Our brief will focus on the importance of this issue, as evidenced by the Supreme Court granting a petition in a similar case a few years ago (in which they ultimately did not reach the merits). We will also include some of the language in our original brief about *cy pres* in class actions generally. The brief is due January 20th, but because of the quick turnaround, we may not be able to circulate until a day or two before and wanted to give you advance notice of the request to join. If you have any questions in the meantime, please feel free to reach out to me, Keena, or Beau. Best, Kate Sawyer Assistant Solicitor General Office of the Attorney General Solicitor General's Office 2005 N Central Ave, Phoenix, AZ 85004 Direct: 602-542-8304 Kate.Sawyer@azag.gov **From:** Sawyer, Kate **Sent:** Thursday, August 20, 2020 11:13 AM **To:** Sawyer, Kate <Kate.Sawyer@azag.gov> **Cc:** Skinner, OH <O.H.Skinner@azag.gov> **Subject:** Google Street View Amicus Brief - 9th Circuit Colleagues, Attached please find the as-filed Amicus Brief in the *Google Street View* class action matter in the 9th Circuit, which we filed last evening. As a reminder, this is a case where the settlement created a $13 million fund, but the entire fund is being sent to class counsel, class representatives, and *cy pres* recipients. And the settlement's injunctive relief mirrored relief already obtained by 39 State AGs in 2013. We are very happy to report that we ended up with a 13-state bipartisan coalition consisting of: **Arizona, Alabama, Alaska, Arkansas, Idaho, Indiana, Kansas, Louisiana, Missouri, Nevada, North Dakota, Ohio, and Oklahoma**. Thank you so much to each and every one of you for working alongside us on this brief; we know obtaining sign on can take a lot of work and effort. We will keep everyone appraised as things advance. Best, Kate Sawyer Assistant Solicitor General Appeals and Constitutional Litigation Division Office of the Attorney General 2005 N Central Ave, Phoenix, AZ 85004 Direct: 602-542-8304 Kate.Sawyer@azag.gov
Attachments	image001[15767].jpg

Record 911

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: Google Street View Amicus Brief - 9th Circuit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:39:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:39:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:39:33.000 PM

Body

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Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, January 20, 2022 9:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov>
Subject: FW: Google Street View Amicus Brief - 9th Circuit

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Sent: Wednesday, January 19, 2022 10:01 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; Patel, Keena <Keena.Patel@azag.gov>
Cc: Catlett, Michael <Michael.Catlett@azag.gov>
Subject: RE: Google Street View Amicus Brief - 9th Circuit

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As always, please feel free to reach out to us with any questions or suggestions.

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Kate Sawyer
Assistant Solicitor General
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2005 N Central Ave, Phoenix, AZ 85004
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Kate.Sawyer@azag.gov

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Attachments	image001[12406].jpg

Record 912

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Insurance Dept. Request RE: Antitrust Investigation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:52:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:52:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:52:52.000 AM

Body	Elin and I met with the Insurance Dept. last week. I have been trying to follow up with you regarding this matter and have not yet connected by phone. However, when you are back in the office please give me a call. We are happy to come to the office but it is possible that we will have your feedback or decision with a 5 minute phone call. There is a rumor this might have come up in your meeting with Chris Jones. Thanks. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 913

Sender Name	Grossman, Parrell D.
Sender Email	pgrossman@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Insurance Dept. Request RE: Antitrust Investigation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:52:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:52:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:52:52.000 AM
Body	Elin and I met with the Insurance Dept. last week. I have been trying to follow up with you regarding this matter and have not yet connected by phone. However, when you are back in the office please give me a call. We are happy to come to the office but it is possible that we will have your feedback or decision with a 5 minute phone call. There is a rumor this might have come up in your meeting with Chris Jones. Thanks. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 914

Sender Name	Hatlestad, Patrick R.
Sender Email	phatlestad@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Retirement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:17:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:17:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:17:29.000 PM
Body	Good for you. Thank you for years of service. You have done good things for ND. Will miss your guidance in the 23 session!! Representative Patrick Hatlestad District #1 Williston, North Dakota e-mail: phatlestad@nd.gov

Record 915

Sender Name	Hatlestad, Patrick R.
Sender Email	phatlestad@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Retirement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:17:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:17:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:17:29.000 PM
Body	Good for you. Thank you for years of service. You have done good things for ND. Will miss your guidance in the 23 session!! Representative Patrick Hatlestad District #1 Williston, North Dakota e-mail: phatlestad@nd.gov

Record 916

Sender Name	The Attorney General Alliance
Sender Email	psalazar+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	AG Alliance Roundup December 17, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:05:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:05:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 8:05:46.000 AM

Body

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ATTORNEY GENERAL ALLIANCE

Announcements, information & updates from the Attorney General Alliance Members and Associates
December 17, 2021

ATTORNEY GENERAL NEWS

ORGANIZED RETAIL CRIME

The Attorney General Alliance Organized Retail Crime Working Group held a discussion on Monday, led by Illinois Attorney General Kwame Raoul informing State Attorneys General and their staff on how to identify and combat the recent trend of organized retail criminals targeting businesses. He highlighted his recent successful recovery of stolen goods from a retail theft ring his office investigated.

AGA and Illinois Attorney General brought attention to this crucial issue affecting Attorneys General all over the United States; discussing the importance of the investigation and prosecution of these retail criminals.

â€œOrganized retail theft is about more than lost revenue and stolen products. Frequently, the criminal enterprises behind these crimes are connected to other crimes, such as the drug trade and human trafficking. I am committed to identifying the perpetrators behind this and other organized retail crimes in Illinois.â€

-Illinois Attorney General Kwame Raoul

California Attorney General Rob Bonta hosted a convening with representatives from big- box retailers , online platforms, and law enforcement to discuss the state of organized retail theft in California and develop strategies for combating this criminal activity head- on. Representatives from the California Retailer's Association, the National Federation of Independent Businesses, Amazon, eBay, Facebook Marketplace, CVS, Home Depot, Loweâ€™s, Target, the California Highway Patrolâ€™s Organized Retail Crime Task Force, the California State Sheriffs' Association, and the California Police Chiefs Association took part in the collaborative effort.

â€œThe coordinated criminal activity weâ€™ve seen in retail stores and online through the resale of stolen goods isnâ€™t shoplifting or petty crime, itâ€™s organized crime, and itâ€™s going to take an organized strategy to put a stop to it. Here at the Department of Justice we are doing our part to help organize that strategy. My office and the other stakeholders have committed to coordinating our efforts and sharing intelligence in order to arrest and hold bad actors to account while proactively stopping future crime. We will do our part to ensure our communities feel safe, and protect from organized crime the workers, businesses, and consumers who drive our economy.â€

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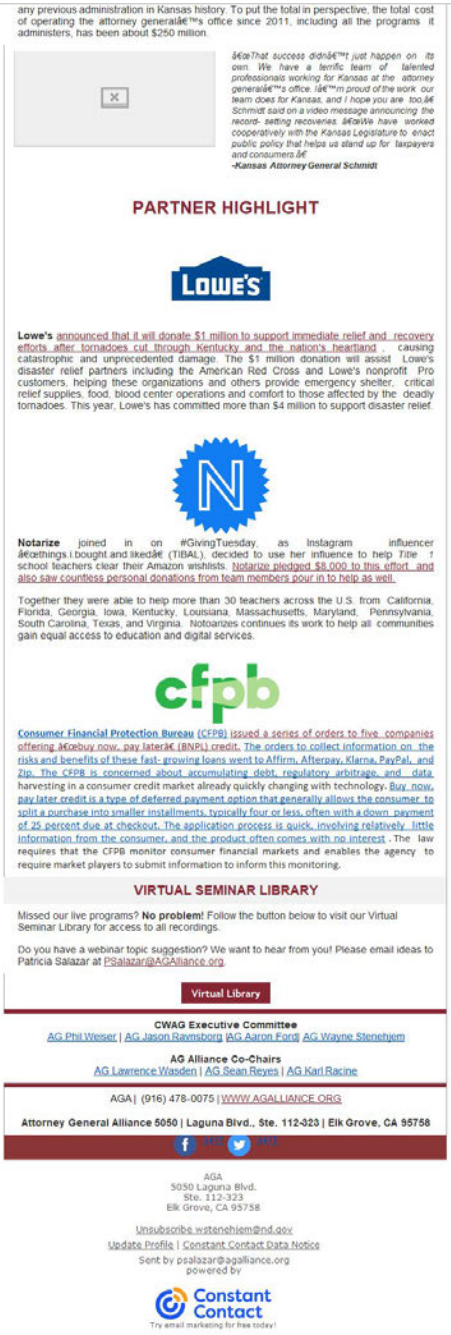
Body	

any previous administration in Kansas history. To put the total in perspective, the total cost of operating the attorney generalâ€™s office since 2011, including all the programs it administers, has been about $250 million.

â€œThat success didnâ€™t just happen on its own. We have a terrific team of talented professionals working for Kansas at the attorney generalâ€™s office. Iâ€™m proud of the work our team does for Kansas, and I hope you are too,â€ Schmidt said on a video message announcing the record- setting recoveries. â€œWe have worked cooperatively with the Kansas Legislature to enact public policy that helps us stand up for taxpayers and consumers.â€

-Kansas Attorney General Schmidt

PARTNER HIGHLIGHT

Lowe's announced that it will donate $1 million to support immediate relief and recovery efforts after tornadoes cut through Kentucky and the nation's heartland , causing catastrophic and unprecedented damage. The $1 million donation will assist Lowe's disaster relief partners including the American Red Cross and Lowe's nonprofit Pro customers, helping these organizations and others provide emergency shelter, critical relief supplies, food, blood center operations and comfort to those affected by the deadly tornadoes. This year, Lowe's has committed more than $4 million to support disaster relief.

Notarize joined in on #GivingTuesday, as Instagram influencer â€œthings i bought and liked†(TIBAL), decided to use her influence to help Title 1 school teachers clear their Amazon wishlists. Notarize pledged $8,000 to this effort, and also saw countless personal donations from team members pour in to help as well.

Together they were able to help more than 30 teachers across the U.S. from California, Florida, Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Maryland, Pennsylvania, South Carolina, Texas, and Virginia. Notarizes continues its work to help all communities gain equal access to education and digital services.

Consumer Financial Protection Bureau (CFPB) issued a series of orders to five companies offering â€œbuy now, pay laterâ€ (BNPL) credit. The orders to collect information on the risks and benefits of these fast- growing loans went to Affirm, Afterpay, Klarna, PayPal, and Zip. The CFPB is concerned about accumulating debt, regulatory arbitrage, and data harvesting in a consumer credit market already quickly changing with technology. Buy now, pay later credit is a type of deferred payment option that generally allows the consumer to split a purchase into smaller installments, typically four or less, often with a down payment of 25 percent due at checkout. The application process is quick, involving relatively little information from the consumer, and the product often comes with no interest . The law requires that the CFPB monitor consumer financial markets and enables the agency to require market players to submit information to inform this monitoring.

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ATTORNEY GENERAL ALLIANCE

Announcements, information & updates from the Attorney General Alliance Members and Associates
December 17, 2021

ATTORNEY GENERAL NEWS

ORGANIZED RETAIL CRIME

The Attorney General Alliance Organized Retail Crime Working Group held a discussion on Monday, led by Illinois Attorney General Kwame Raoul informing State Attorneys General and their staff on how to identify and combat the recent trend of organized retail criminals targeting businesses. He highlighted his recent successful recovery of stolen goods from a retail theft ring his office investigated.

AGA and Illinois Attorney General brought attention to this crucial issue affecting Attorneys General all over the United States; discussing the importance of the investigation and prosecution of these retail criminals.

â€œOrganized retail theft is about more than lost revenue and stolen products. Frequently, the criminal enterprises behind these crimes are connected to other crimes, such as the drug trade and human trafficking. I am committed to identifying the perpetrators behind this and other organized retail crimes in Illinois.â€

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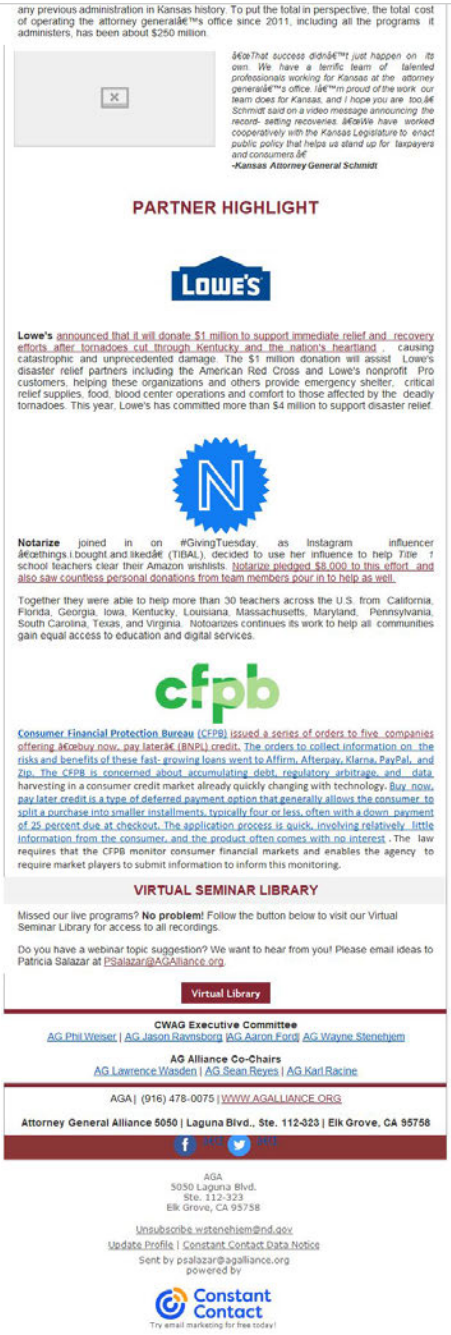
Body	

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Happy Holidays from the Attorney General Alliance

ATTORNEY GENERAL NEWS

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Registration for the summit is open and costs $25.

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Click for NPR Article

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California Attorney General Rob Bonta led a multistate coalition of 11 states in urging the U.S. Department of Labor (DOL) to finalize rules clarifying that fiduciaries of private- sector employee retirement plans, such as 401(k) plans, can consider environmental, social, and governance (ESG) factors when making investment decisions. Fiduciaries â€" including investment managers â€" are legally mandated to make decisions in the best interest of the people whose money they manage, in this case the millions of employees who put some of their income each month into an employer- sponsored retirement plan. By allowing fiduciaries to consider ESG factors, particularly the costs and impacts of climate change, fiduciaries can make investment decisions that better address the long- term investment horizons of the employees they represent.

Letter Press Release

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The issue involves the Endangered Species Act and the federal governmentâ€™s authority to designate land or water as â€œcritical habitatâ€ for species the government considers endangered. Property that receives this designation is often subject to stringent restrictions that can greatly reduce its utility and value.

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Body

Letter | Press Release

A coalition of 23 attorneys general, led by California and New York, to include Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia joined together in an amicus brief in support of Deferred Action for Childhood Arrivals (DACA) in *Texas v. United States*.

In the amicus brief filed before the U.S. Court of Appeals for the Fifth Circuit, the coalition highlights the critical contributions of hundreds of thousands of DACA recipients to public health efforts, the economy, and communities across the country. Since 2012, DACA has provided access to work authorization and protected from removal approximately 825,000 individuals, who grew up in this country, most of whom have known no home other than the United States.

Amicus Brief

CONSUMER PROTECTION

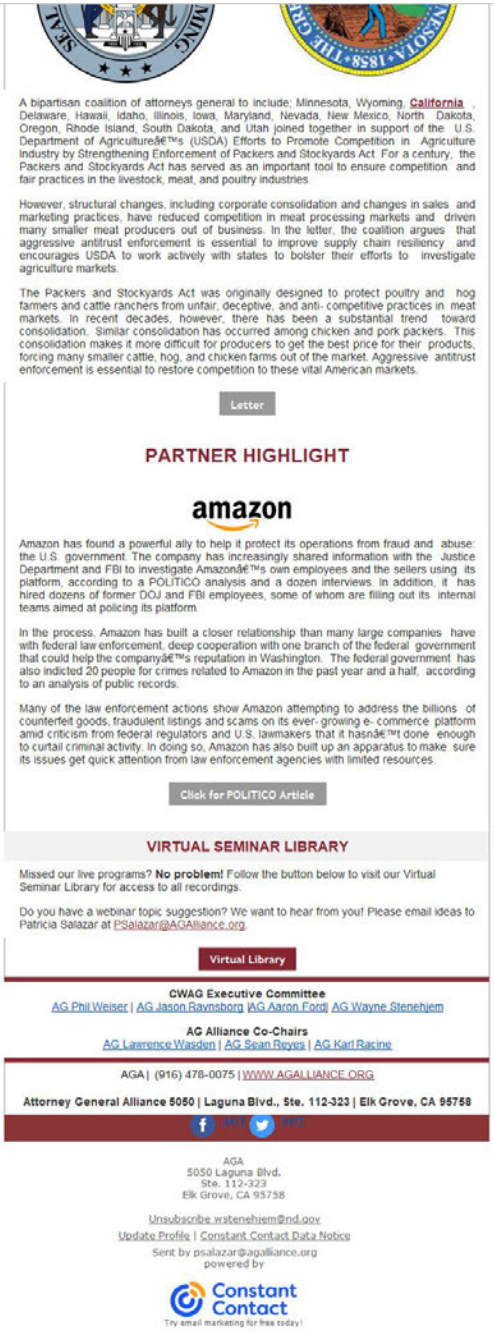
Pennsylvania Attorney General Josh Shapiro announced that Pennsylvania based THS Group, LLC â€" more commonly known as Total Home Protection â€" and its owner has agreed to pay $400,000 in restitution as part of a settlement of the lawsuit filed by the Office of Attorney General against the home security company for deceptive marketing practices. With the settlement, THS and the owner have agreed to revise their business practices.

THS advertised and sold home warranty â€œservice contractsâ€ to consumers, many of whom were elderly or otherwise vulnerable, in Pennsylvania and dozens of other states. The settlement agreement prohibits THS from, among other things, using advertisements for service contracts that contradict the terms of the service contracts themselves and engaging in unfair and deceptive conduct to deny coverage. THS is required to make meaningful, substantial, and specific changes to its business practices.

Press Release

Oregon Attorney General Ellen Rosenblum co- led a bipartisan letter from 33 Attorneys General to Rohit Chopra, Director of the Consumer Financial Protection Bureau (CFPB) calling for stronger consumer safeguards for money sharing platforms and apps. Popular payment apps include Apple Pay, Venmo, Square, Zelle, and others. The Attorneys General highlight a rise in consumer complaints related to these payment platforms, especially complaints from consumers about difficulties reaching customer service representatives, inability to retrieve funds, and fraudulent money transfers by third- party scammers. These payment platforms are sometimes marketed as a solution for consumers without access to traditional banks, even though these apps are not considered a bank. The letter addresses three major issues with the platforms - customer service, account access, and third-party scams.

Letter | Press Release

Body	

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Body

Letter | Press Release

A coalition of 23 attorneys general, led by California and New York, to include Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia joined together in an amicus brief in support of Deferred Action for Childhood Arrivals (DACA) in *Texas v. United States*.

In the amicus brief filed before the U.S. Court of Appeals for the Fifth Circuit, the coalition highlights the critical contributions of hundreds of thousands of DACA recipients to public health efforts, the economy, and communities across the country. Since 2012, DACA has provided access to work authorization and protected from removal approximately 825,000 individuals, who grew up in this country, most of whom have known no home other than the United States.

Amicus Brief

CONSUMER PROTECTION

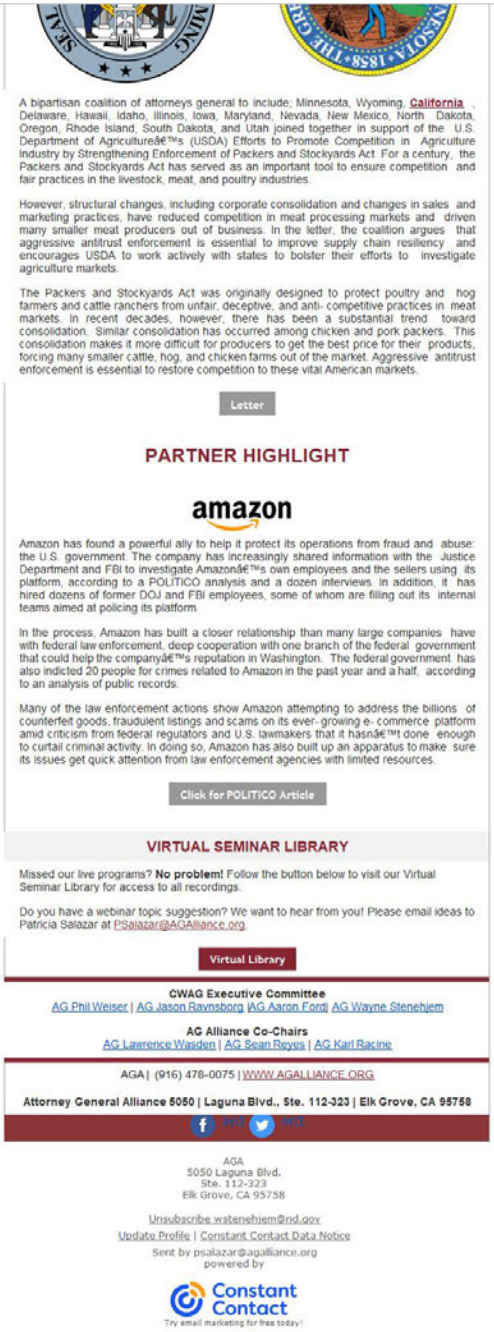
Pennsylvania Attorney General Josh Shapiro announced that Pennsylvania based THS Group, LLC â€" more commonly known as Total Home Protection â€" and its owner has agreed to pay $400,000 in restitution as part of a settlement of the lawsuit filed by the Office of Attorney General against the home security company for deceptive marketing practices. With the settlement, THS and the owner have agreed to revise their business practices.

THS advertised and sold home warranty â€œservice contractsâ€ to consumers, many of whom were elderly or otherwise vulnerable, in Pennsylvania and dozens of other states. The settlement agreement prohibits THS from, among other things, using advertisements for service contracts that contradict the terms of the service contracts themselves and engaging in unfair and deceptive conduct to deny coverage. THS is required to make meaningful, substantial, and specific changes to its business practices.

Press Release

Oregon Attorney General Ellen Rosenblum co- led a bipartisan letter from 33 Attorneys General to Rohit Chopra, Director of the Consumer Financial Protection Bureau (CFPB) calling for stronger consumer safeguards for money sharing platforms and apps. Popular payment apps include Apple Pay, Venmo, Square, Zelle, and others. The Attorneys General highlight a rise in consumer complaints related to these payment platforms, especially complaints from consumers about difficulties reaching customer service representatives, inability to retrieve funds, and fraudulent money transfers by third- party scammers. These payment platforms are sometimes marketed as a solution for consumers without access to traditional banks, even though these apps are not considered a bank. The letter addresses three major issues with the platforms - customer service, account access, and third-party scams.

Letter | Press Release

Body	

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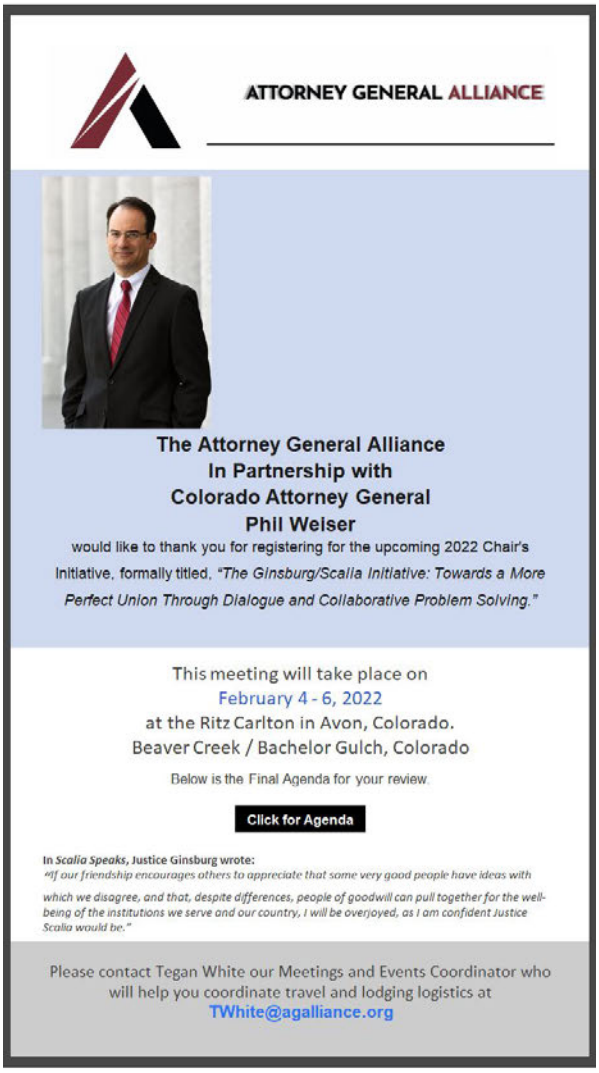

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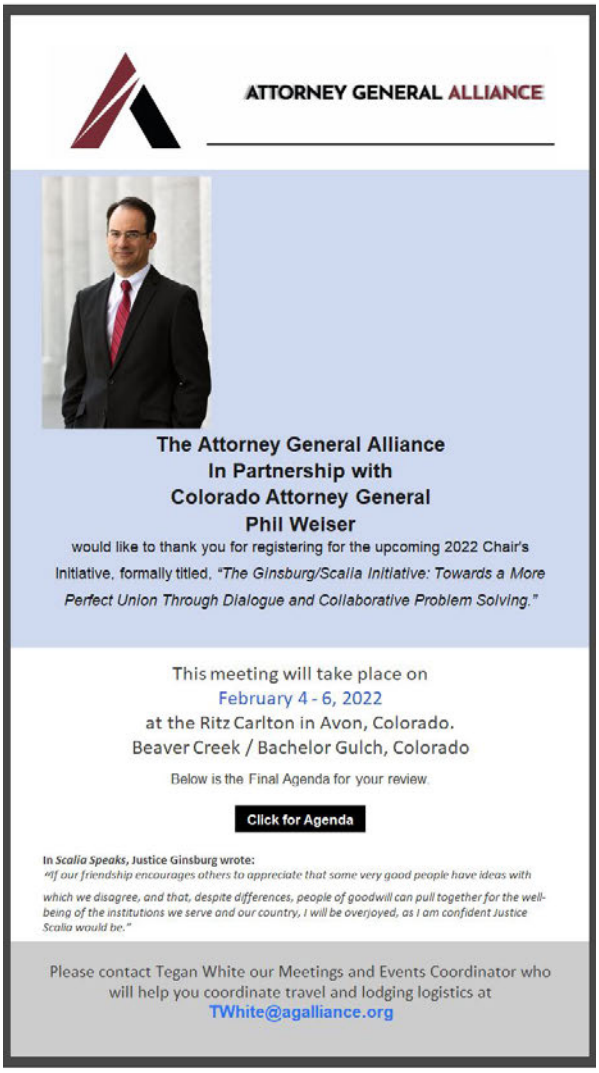

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January 7, 2022

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The Human Trafficking Summit, to be held virtually for the second consecutive year due to COVID- 19 concerns, will feature 16 workshops offering valuable information and resources. Much like the workshops and the summitâ€™s targeted audience, the fight against human trafficking is multifaceted. **Registration for the summit is open and costs $25.**

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The Office of the Michigan Attorney General Dana Nessel and the Michigan Human Trafficking Commission work to provide general updates and awareness information on human trafficking to keep the public informed. â€œAddressing Human Trafficking in Health Care Settings,â€ created by The University of Michiganâ€™s Human Trafficking Collaborative, is an excellent training on human trafficking for health professionals.

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Attorney General Ashley Moody is recognizing National Human Trafficking Prevention Month by highlighting resources to help Floridians spot and report the crime. According to the most recent study by Polaris, Florida ranks third highest in the number of calls to the National Human Trafficking Hotline. It is important to remember that human trafficking can happen anywhere at any time. Raising public awareness of this evil trade will help law enforcement rescue victims and save lives.

Fighting human trafficking is a major priority for Attorney General Moody, who serves as Chair on the Statewide Council on Human Trafficking. The council consists of 15 members

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Last October, Attorney General Moody kicked off the 2021 Human Trafficking Summit. The summit is being offered virtually for the second year in a row and brings together l eaders to eradicate all forms of trafficking. That same month, Attorney General Moody and FLHSMV celebrated the one-year anniversary of Highway Heroes.

â€œHuman trafficking is an atrocious crime and if we are going to end this illicit practice in Florida, it will take all of us working together. In recognition of this important month, I am calling on Floridians to learn the signs of human trafficking and how to alert law enforcement to suspicious behavior.â€
--Florida Attorney General Ashley Moody

Click for Press Release Florida HT Website

Montana Attorney General Austin Knudsen joined Governor Greg Gianforte in declaring January Slavery and Human Trafficking Prevention Month in Montana and encouraging Montanans to be part of the solution to end human trafficking. The Attorney General and Governor were joined by Montana Highway Patrol Colonel Steve Lavin and representatives from the HER Campaign and The LifeGuard Group â€“ two non-profit organizations combatting human trafficking in Montana.

Human trafficking is a form of modern- day slavery whereby traffickers, which are often organized criminal enterprises, profit at the expense of adults or children by compelling them to perform labor or engage in commercial sex. It has been on the rise in Montana in recent years. Attorney General Knudsen will continue to raise awareness of human trafficking during January by visiting communities across the state to address the issue with local law enforcement and encourage prevention efforts.

Click for Press Release

â€œHuman trafficking and sexual slavery are happening in Montana and we canâ€™t ignore it. Thatâ€™s why fighting human trafficking is one of my top priorities as Attorney General. These are not victimless crimes and ignoring the problem will not make them go away. I urge every Montanan to join us in our fight to eliminate human trafficking â€“ educate yourself about the problem, learn the signs, and report suspected human traffickers.â€
--Montana Attorney General Austin Knudsen

In 2020, the National Beer Wholesalers Association launched an initiative entitled, Distributors Against Human Trafficking, to help combat human trafficking in the United States. Working alongside state attorneys general, NBWA created an awareness training video to help more than 140,000 beer distribution employees in the U.S. recognize and report signs of human trafficking. Beer distributors are uniquely positioned to help fight this heinous crime given their level of access to locations often unseen by the public as they visit around 600,000 licensed retail locations across the country.

Click for Training Video

OPIOIDS

Nevada Attorney General Aaron D. Ford announced that Nevada will receive almost $285.2 million for the fight against the opioid epidemic from a multitude of sources, including a federal grant and settlements with an opioid manufacturer and distributors.

The money will come from three sources: a multistate settlement with the three largest opioid distributors; an agreement with opioid manufacturer Johnson & Johnson and its U.S.-based Janssen Pharmaceutical Companies; and a grant from the U.S. Department of Justice to increase rural countiesâ€™ access to mitigation and health programs.

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This settlement with the three major opioid distributors hold them accountable through a monetary payment and strict injunctive terms for their actions in creating and fueling the opioid epidemic. The agreement will require the distributors to establish a centralized independent clearinghouse to provide regulators with aggregated data and analytics about where opioids are going and how often; use data- driven systems to detect suspicious opioid orders from pharmacies; and report companies to state regulators when they show signs of diversion, among other important terms.

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"The funds that our state will receive going forward will help us save lives and mitigate the harms done to our residents because of the ongoing opioid epidemic. Our team has worked diligently to get Nevada the resources we must have to help Nevadans in need in one of the epidemic's hardest-hit states, and to obtain justice from many opioid manufacturers and distributors. While no settlement will bring back those lost to opioids, these funds will be used to prevent further loss of life and help heal Nevada's families."
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MISSING INDIGENOUS WOMEN & PEOPLE

Washington Attorney General Bob Ferguson announced that he is working with Rep. Debra Lekanoff, D- Anacortes, to propose a bill in the next legislative session to create an alert in Washington state to help identify and locate missing Indigenous women and people. The alert, similar to â€œsilver alertsâ€ for missing vulnerable adults, will broadcast information about missing Indigenous people on message signs and in highway advisory radio messages when activated, as well as through press releases to local and regional media.

This will be the first alert system specifically for missing and murdered Indigenous women and people in the country. Indigenous women and people go missing and are murdered at rates higher than any other ethnic group in the United States. In Washington, more than four times as many Indigenous women go missing than white women, according to research conducted by the Urban Indian Health Institute in Seattle.

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CONSUMER PROTECTION

Wyoming Attorney General Bridget Hill and **Hawaii Attorney General Holly T. Shikada** joined Minnesota Attorney General Keith Ellison as he led a bipartisan coalition of 16 attorneys general in sending a letter to U.S. Department of Agriculture Secretary Tom Vilsack, with recommendations to improve competition in the livestock industry.

The letter raises concerns about the increasing concentration in meatpacking and offers solutions to aid USDA in efforts to strengthen enforcement under the Packers and Stockyards Act. The Packers and Stockyards Act, which dates to 1921, was intended to address unfair, deceptive, and anti-competitive practices in meat markets.

Without increased enforcement and government oversight, the promise of the Packers and Stockyard Act is in jeopardy. In the letter, the bipartisan coalition provides several recommendations for Fair and Competitive Markets.

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Click for HI Press Release

Click for WY Press Release

Body

Click for Letter to USDA

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With limited exceptions, the Fair Chance in Housing Act and DCRâ€™s new rules bar housing providers who have not yet made a conditional offer from requiring applicants to fill out any type of form that includes questions about their criminal background.

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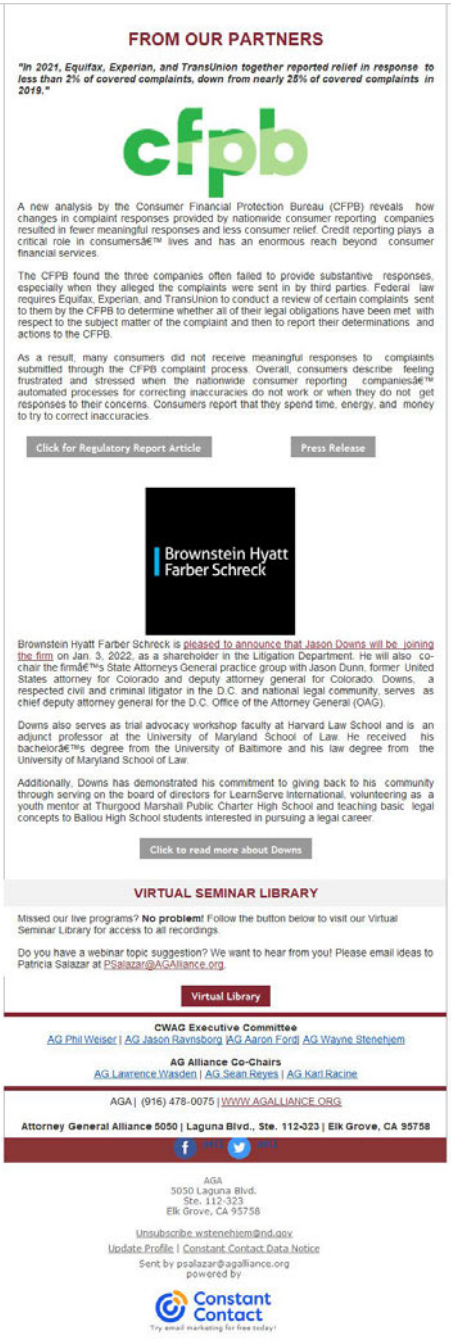
Body	

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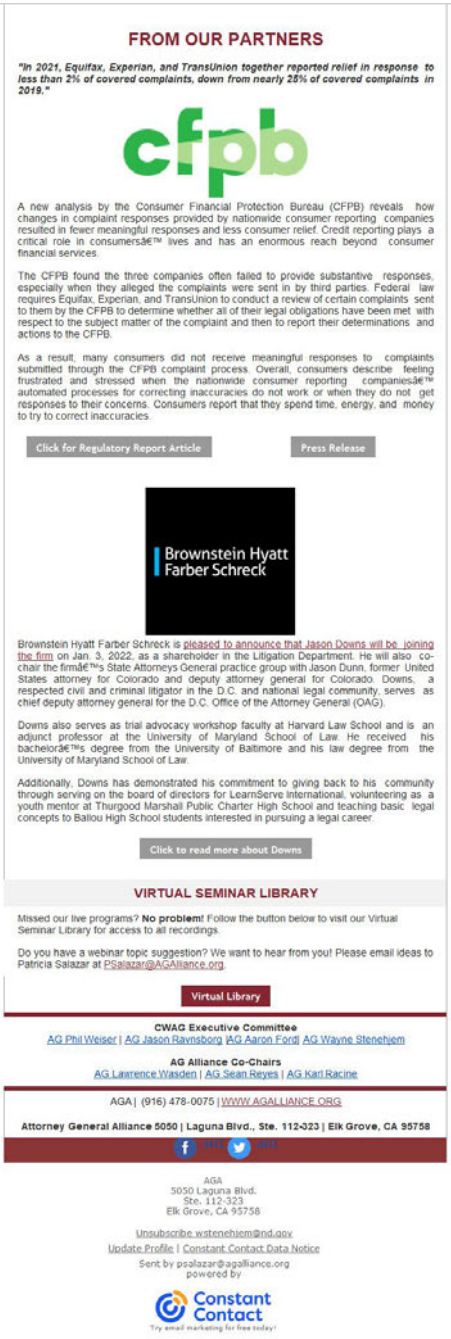
Body	

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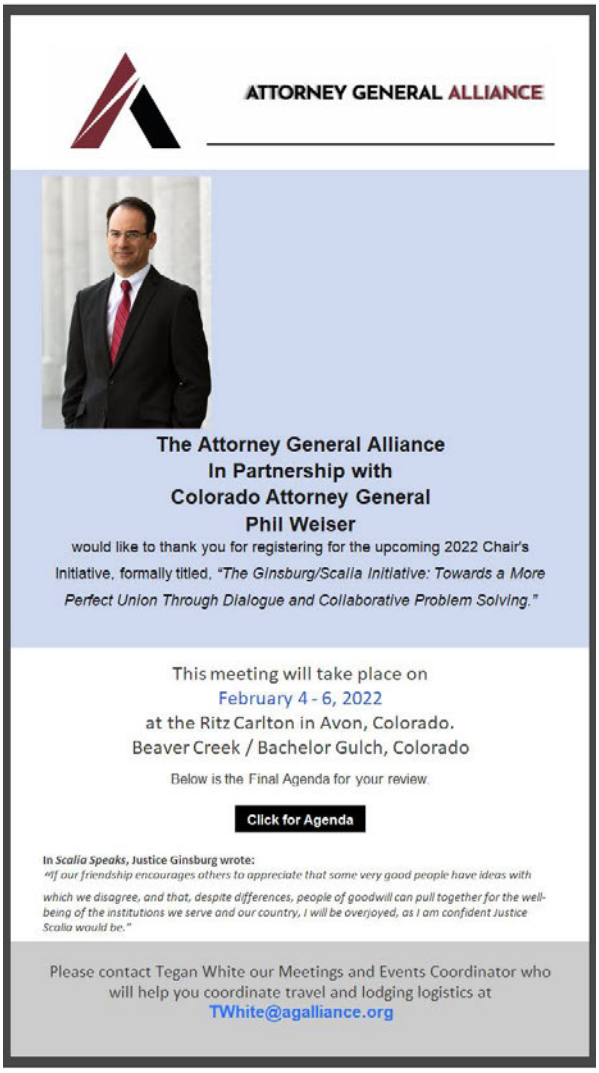

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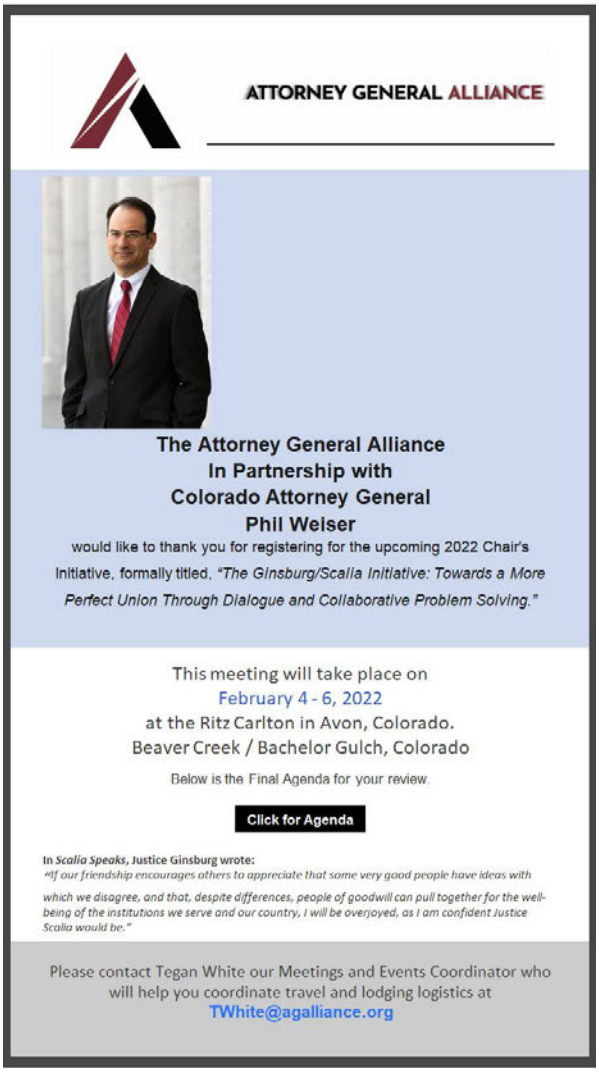

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Subject	AGA Organized Retail Crime Working Group Meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:49:16.000 PM
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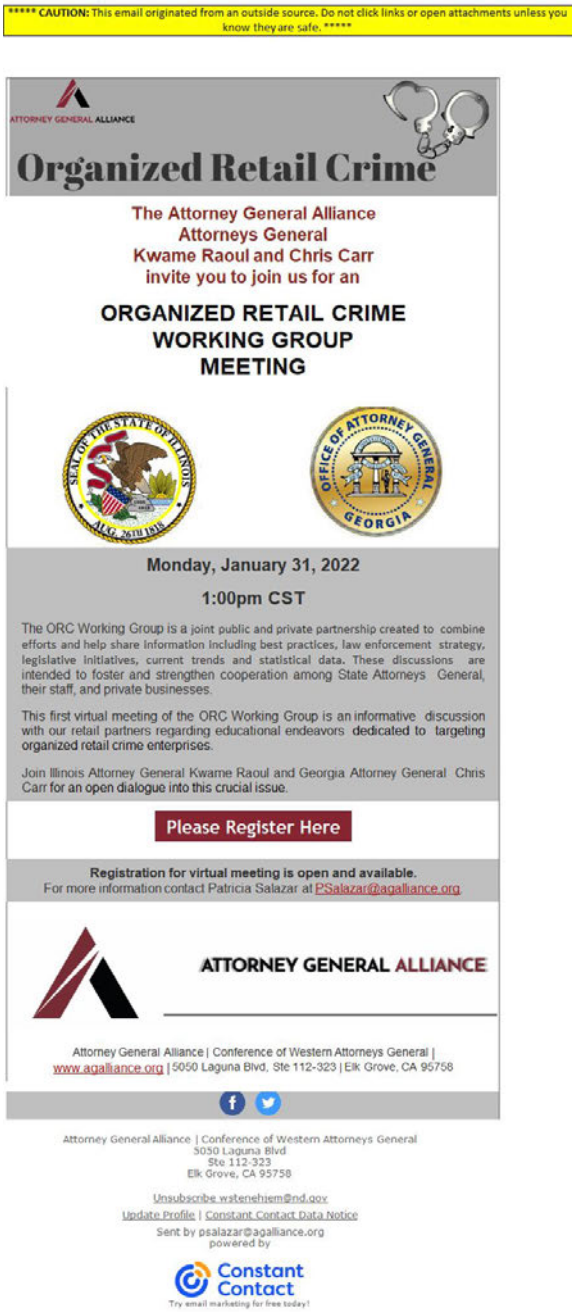
Body	

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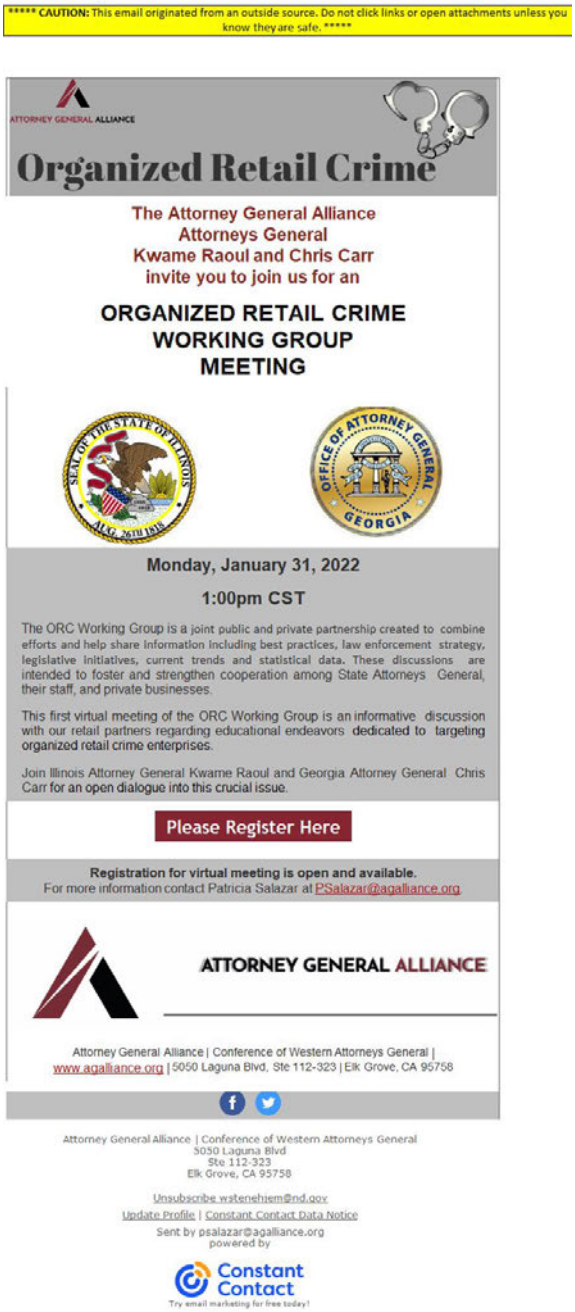

Record 928

Sender Name	The Attorney General Alliance
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Recipients	wstenehjem@nd.gov
Subject	AG Alliance Roundup January 14, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 8:05:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 8:05:08.000 AM
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Announcements, information & updates from the Attorney General Alliance Members and Associates
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ATTORNEY GENERAL NEWS

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Press Release

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Each year, millions of men, women and children are victimized by human traffickers worldwide. While dozens of cases are reported annually in Alabama, it is believed the actual number of victims is much higher as most cases go unreported.

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â€œEvery year, there are thousands of reported human trafficking cases across the United States â€" including right here in California. Whether itâ€™s for sex or labor, abusing power to force or coerce someone into doing something against their will is wrong. At the California Department of Justice, weâ€™re committed to standing up for survivors, disrupting and dismantling human trafficking rings, and securing justice. However, it takes all of us to combat human trafficking. I urge businesses across the state to use the resources weâ€™re sharing today to help put an end to trafficking in California. If you or someone you know has been affected by human trafficking, there are resources available to you. You are not alone.â€
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Click for Letter to FCC

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Click for Settlement

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Record 930

Sender Name	The Attorney General Alliance
Sender Email	psalazar+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	AG Alliance Roundup January 21, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:08:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:08:27.000 AM
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ATTORNEY GENERAL ALLIANCE

Announcements, information & updates from the Attorney General Alliance Members and Associates
January 21, 2022

ATTORNEY GENERAL NEWS

UPCOMING EVENTS

Click to Register

**Registrants may participate in-person or virtually*

Please join us for a series of discussions designed to empower individuals and companies to take action to safeguard data and promote trust. This event will highlight the rights of consumers and obligations for entities under the Colorado Privacy Act (CPA) - - the third comprehensive state privacy law in the U.S., set to take effect in 2023.

Participants will hear from Colorado Attorney General Phil Weiser and Wyoming Attorney General Bridget Hill and from state and federal officials about privacy resources, data privacy and protection best practices, and developments in U.S. privacy and cryptocurrency regulation.

This half- day seminar is geared toward educating individuals and entities about the national privacy landscape following passage of the Colorado Privacy Act.

For additional information, please contact
Ale Stephens at astephens@agalliance.org

January
HUMAN TRAFFICKING
Awareness Month

Nebraska Attorney General Doug Peterson joined Governor Pete Ricketts and Colonel John Bolduc from the Nebraska State Patrol in recognizing National Human Trafficking Awareness Month.

Attorney General Peterson reviewed the collaborative work done by many agencies in bringing about some ground- breaking investigations and prosecutions this past year. His office released the Nebraska Human Trafficking Task Force (NHTTF) Update that outlines prosecutions and training numbers for 2021. Agencies and organizations representing 12 groups attended the event and proclamation signing.

Click for NHTTF HT Website Press Release

Body

â€œWe stand ready on behalf of Nebraskans to investigate and prosecute any human trafficking case anywhere in the state. For five years, we have been organizing regionally to make certain we are ready to investigate and stop any trafficking we uncover. The teams are also prepared to make sure each victim involved has access to all the available lifelines.â€
--Nebraska Attorney General Peterson

CONSUMER PROTECTION

A bipartisan coalition of 42 states and territories joined together in urging the U.S. Food and Drug Administration to preserve state authority to enforce their consumer protection laws in connection with the sale of over-the-counter hearing aids.

The FDA is currently considering a proposal that would establish for the first time a new category of over- the- counter hearing aids that would allow such devices to be sold directly to consumers without a medical exam or fitting by an audiologist.

Currently, all 50 states have professional licensing requirements for selling hearing aids, and many states have important protections for hearing aid consumers, including mandatory warranties and returns and advertising restrictions. The attorneys general caution that rules currently under review by the FDA may unintentionally hinder those important consumer protection efforts, undermining statesâ€™ abilities to ensure safe and affordable access to hearing aids. The attorneys general urge the FDA to make explicit that their federal rule will not preempt these critical state consumer protections.

The attorneys general further urge the FDA to strengthen age verification processes to protect children under 18 and make it clear that over- the- counter hearing aids are only appropriate for those with mild to moderate hearing loss.

The comment letter was led by **Connecticut Attorney General William Tong** and **Ohio Attorney General Dave Yost** , and joined by the attorneys general of **Arizona** , Arkansas, Colorado, Delaware, Florida, Georgia, Guam, **Hawaii** , **Illinois** , Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, **South Carolina** , South Dakota, **Texas** , Utah, Vermont, Virginia, West Virginia, and Wisconsin.

Click for Letter to US FDA

â€œOver- the- counter hearing aids could become a good option for adults with mild to moderate hearing loss, but we need regulations to ensure they are marketed and managed safely. States have long played that consumer protection role, and federal regulation should complement, not preempt these important safeguards.â€
- - Connecticut Attorney General WilliamTong.

â€œThere need to be affordable options for Ohioans who need hearing assistance, but some of the â€˜aidsâ€™ out there are nothing more than a decorative ear piece. The statesâ€™ ability to protect consumers with things such as warranties, refunds and exchanges is vital and these new rules could prevent that.â€
-Ohio Attorney General Dave Yost

Idaho Attorney General Lawrence Wasden and Secretary of State Lawerence Denney send MyPillow CEO a cease and desist letter along with a $6k bill. Three months after a state investigation disproved MyPillow CEO Mike Lindellâ€™s accusations of voter fraud in Idaho, the information remains on Lindellâ€™s website. Idaho government officials want it gone. They also want Lindell to pay the state for the money it spent proving Lindellâ€™s allegations wrong. Secretary of State Lawerence Denney and Attorney General Lawrence Wasden sent a cease-and-desist letter to Lindell on Tuesday. They asked Lindell to â€œpromptly remove all false statements about Idahoâ€™s elections from your websiteâ€ and â€œrefrain from making similar statements in the future.â€

Body

Click for Article

MEDICIAD FRAUD

Massachusetts Attorney General Maura Healey announced that her officeâ€™s Medicaid Fraud Division recovered more than $55 million in calendar year 2021.

The AGâ€™s Medicaid Fraud Division investigates and prosecutes providers who defraud the stateâ€™s Medicaid program, MassHealth. The Division is also responsible for reviewing complaints of abuse, neglect, mistreatment, and financial exploitation of patients in long-term care facilities and MassHealth members in any health care settings.

In 2021, the Division secured 22 civil settlements with various entities, including home health agencies, substance abuse treatment facilities, adult day health centers, adult foster care providers, skilled nursing facilities, and dental practices. The overwhelming majority of the Divisionâ€™s recoveries were returned to MassHealth, but funds were also returned to the Department of Public Healthâ€™s Long- Term Care Facility Quality Improvement Fund; patients who had paid out- of- pocket for services that should have been covered by MassHealth; the federal Medicare program; and whistleblowers who brought lawsuits against providers alleging fraud.

Press Release

â€œIâ€™m proud of the vital work our Medicaid Fraud Division does to protect our most vulnerable residents, safeguard taxpayer dollars, and uphold the integrity of the MassHealth program. Addressing fraud and misconduct in the health care sector is a top priority for my office, and we will continue this important work in 2022.â€
--Massachusetts Attorney General Maura Healy

CONSUMER PROTECTION & COVID-19

California Attorney General Rob Bonta issued a price- gouging alert following Governor Gavin Newsom's Executive Order prohibiting price gouging of at- home COVID- 19 test kits. The Executive Order protects Californians by generally prohibiting the sale of at- home COVID- 19 test kits at a price that exceeds, by more than 10%, the price the seller charged for the item on December 1, 2021. Sellers who have not previously sold at- home COVID-19 test kits may not sell testing kits for a price that is greater than 50% of what the seller paid to acquire the testing kit.

Press Release Executive Order

Michigan Attorney General Dana Nessel is amplifying new warnings related to reports of fake at- home COVID- 19 tests being sold online. Both the Federal Trade Commission (FTC) and Better Business Bureau (BBB) recently released warnings related to fraudulent tests as AG Nessel issues her website's alert.

Press Release

Body	 **New Mexico Attorney General Hector Balderas** issued a consumer alert warning New Mexicans about COVID- 19 test scams. With more and more people seeking tests, scammers may be exploiting this demand to steal personal, financial, or medical information. New Mexicans should also be aware of reports that certain testing sites are issuing illegitimate â€œnegativeâ€ test results without actual testing taking place. Attorney General Balderas asks New Mexicans to remain vigilant when requesting a COVID- 19 testâ€”both at a testing site and at home. Press Release **Colorado Attorney General Phil Weiser** , in cooperation with the Colorado Department of Public Health & Environment, have ordered the Center for COVID Control to stop all testing operations in the state for failing to be properly certified by the federal government to perform COVID- 19 testing and for failing to report COVID- 19 testing results and cases to the Department as required by state law. Testing locations operated by Macagain Corp. were also ordered to halt operations due to failure to comply with reporting requirements. Press Release **Washington Attorney General Bob Ferguson** is urging consumers to be on the lookout for price gouging on at- home test kits for COVID- 19. Businesses that raise prices on emergency goods and services in order to maximize profit during a declared public health emergency or natural disaster commit an unfair business practice. Washington is one of a minority of states that does not have an anti- price gouging law. Last year, AG Ferguson proposed legislation to prohibit price- gouging on emergency goods and services during a declared state of emergency. Press Release **Oregon Attorney General Ellen Rosenblum** encourages Oregonians to watch out for suspicious COVID- 19 Testing Sites. With the growth of the highly contagious Omicron variant and the demand for COVID- 19 tests rising throughout Oregon, Attorney General Ellen Rosenblum reminded Oregonians to watch for testing sites or vendors that are selling at- home tests for sky- high prices. Oregonians should be cautious of pop- up testing sites that charge out- of- pocket fees, do not display logos, do not disclose the laboratory performing the test, are not affiliated with a known organization, and those that ask for sensitive information like social security numbers. Press Release **STUDENT LOANS**

Body	 A coalition of 39 state attorneys general â€" led by AGs from Pennsylvania , Washington , Illinois, Massachusetts , and California â€" reached a settlement with student loan servicer Navient over allegedly unfair, deceptive, and abusive student loan origination and servicing practices. The $1.8 billion settlement will undoubtedly draw eyes, but perhaps just as important is the validation that state AGs are keying in on ability- to- repay determinations as a source for potential unfair and deceptive acts or practices (UDAP) claims. Over the last several years, this ability- to- repay theory has gained major traction with the AGs as they combat what they perceive to be predatory lending in a number of industries. **WELCOMING VIRGINIA'S NEW ATTORNEY GENERAL** **Jason Stuart Miyares** assumed the office of the State of Virginia's 48th Attorney General on January 15, 2022. Attorney General Miyares was born February 11, 1976 in Greensboro, North Carolina and attended public schools in Virginia Beach. He earned a Bachelor of Business Administration from James Madison University and a Juris Doctor from College of William & Maryâ€™s Law School. He served as an assistant commonwealth's attorney in Virginia Beach and was elected a member of the Virginia House of Delegates on November 3, 2015, from the 82nd district which encompasses part of Virginia Beach. *"A person whoâ€™s different than you politically is not your enemy, so letâ€™s stop acting like it.â€* ***-- Virginia Attorney General Jason Miyares*** **VIRTUAL SEMINAR LIBRARY** Missed our live programs? **No problem!** Follow the button below to visit our Virtual Seminar Library for access to all recordings. Do you have a webinar topic suggestion? We want to hear from you! Please email ideas to Patricia Salazar at PSalazar@AGAlliance.org **Virtual Library** **CWAG Executive Committee** AG Phil Weiser | AG Jason Ravnsborg |AG Aaron Ford| AG Wayne Stenehjem **AG Alliance Co-Chairs** AG Lawrence Wasden | AG Sean Reyes | AG Kari Racine AGA| (916) 476-0075 | WWW.AGALLIANCE.ORG **Attorney General Alliance 5050 | Laguna Blvd., Ste. 112-323 | Elk Grove, CA 95758** AGA 5050 Laguna Blvd. Ste. 112-323 Elk Grove, CA 95758 Unsubscribe wstenehjem@nd.gov Update Profile | Constant Contact Data Notice Sent by psalazar@agalliance.org powered by Constant Contact Try email marketing for free today!

Record 931

Sender Name	The Attorney General Alliance
Sender Email	psalazar+agalliance.org@ccsend.com
Subject	AG Alliance Roundup January 21, 2022
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:08:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:08:37.000 AM

Record 932

Sender Name	The Attorney General Alliance
Sender Email	psalazar+agalliance.org@ccsend.com
Recipients	wstenehjem@nd.gov
Subject	AG Alliance Roundup January 28, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:31:27.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:31:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 8:31:27.000 AM
Body	

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ATTORNEY GENERAL ALLIANCE

Announcements, information & updates from the Attorney General Alliance Members and Associates
January 28, 2022

ATTORNEY GENERAL NEWS

UPCOMING EVENTS

This half- day seminar is a series of discussions designed to empower and educate individuals and companies to take action to safeguard data and promote trust. This event will highlight the rights of consumers and obligations for entities under the Colorado Privacy Act (CPA) - - the third comprehensive state privacy law in the U.S., set to take effect in 2023.

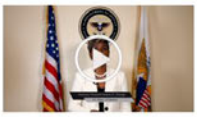
Participants will hear from Colorado Attorney General Phil Weiser and Wyoming Attorney General Bridget Hill, their staff, and from state and federal officials about privacy resources, data privacy and protection best practices, and developments in U.S. privacy and cryptocurrency regulation.

Click to Register

January
HUMAN TRAFFICKING
Awareness Month

U.S. Virgin Islands Attorney General Denise George announced a collaboration with the national child protection thinktank, CHILD USA, local and federal law enforcement agencies as well as victim services organizations in the Virgin Islands to spearhead programs to combat human trafficking crimes that have plagued the Virgin Islands for years.

This month is proclaimed National Human Trafficking Prevention Month and dedicated to deepening public understanding of human trafficking, as well as an opportunity to denounce the individuals, institutions, and systems that enable and perpetuate human trafficking.



Press Release Training Link

CONSUMER PROTECTION

A bipartisan group of four Attorneys Generals recently sued Google, LLC for deceiving and manipulating consumers to gain access to their location data, including making it nearly impossible for users to stop their location from being tracked. This coordinated bipartisan effort is meant to hold Google accountable for misleading and violating the privacy of its users.

CNN News The Washington Post CNBC News

Body

"Iâ€™m proud to lead this bipartisan group of attorneys general that will hold Google accountable for its deception. Through this lawsuit, we will hold Google accountable, and in the process, educate consumers on how their personal dataâ€”particularly sensitive data about their physical locationâ€”is collected, stored, and monetized. This result of our collective action is that consumers, not Google, will determine how their data is or is not used.â€
-- District of Columbia Attorney General Karl A. Racine

DC Lawsuit | Press Release

â€œGoogleâ€™s founding motto is â€"Donâ€™t Be Evil.â€™ And yet it systematically lies to millions of consumers in order to stack billions of dollars into its coffers. Big Tech companies like Google continue to erode the American way of life and often break the law to maintain their overwhelming dominant market position. This lawsuit is just another part of my fight against Big Tech. Iâ€™ll hold Google accountable for misleading and deceiving Texans. This is not only an unethical invasion of privacyâ€”itâ€™s against the law.â€
-- Texas Attorney General Ken Paxton

TX Lawsuit | Press Release

â€œLocation data is deeply personal for consumers. This information reveals the most significant details of our lives. Google denied consumers the ability to choose whether Google could track their sensitive location data to make a profit. Google kept tracking individualsâ€™ location data even after consumers told the corporation to stop. This is not only dishonest â€" itâ€™s unlawful.â€
-- Washington Attorney General Bob Ferguson

WA Lawsuit | Press Release

â€œProtecting Hoosiers from Big Techâ€™s deceptive and unfair practices continues to be a major focal point of my administration. Consumers tend to believe the promises that companies make to them, and Iâ€™m here to hold businesses accountable when they unlawfully betray consumersâ€™ trust.â€
--Indiana Attorney General Todd Rokita

IN Lawsuit | Press Release

COVID-19 MANDATES

Missouri Attorney General Eric Schmitt announced nine more lawsuits against Missouri school districts with masking rules, with the majority of new legal actions targeting districts in the St. Louis region. Schmitt, said in a news release that his office was now suing Bayless, Hancock Place, Jennings, Lexington, Kirkwood, Ritenour, Special School District of St. Louis County, Meramec Valley and University City. The new lawsuits were in addition to 36 lawsuits filed last week, including at least 19 that targeted districts in the St. Louis region.

Press Release

Body

â€œAs weâ€™ve made clear from the beginning, the power to make health decisions for their children should be in the hands of parents, not bureaucrats,â€ Schmitt said in a statement.
-- Missouri Attorney General Eric Schmitt

OPIOIDS

New York, North Carolina, California, Ohio, and Illinois Attorneys General announced that a [federal court ruled in favor of the Federal Trade Commission (FTC), and seven other states, finding that convicted criminal Martin Shkreli engaged in illegal and monopolistic behavior when he served as the CEO of Vyera Pharmaceuticals (previously known as Turing Pharmaceuticals). The court found that Shkreli violated both federal and state laws by engaging in anticompetitive conduct to protect monopoly profits on the life- saving drug Daraprim (pyrimethamine) â€" banning him for life from the pharmaceutical industry and ordering him to pay nearly $65 million.

â€Œ

â€œâ€Envy, greed, lust, and hate,â€™ donâ€™t just â€"separate,â€™ but they obviously motivated Mr. Shkreli and his partner to illegally jack up the price of a life- saving drug as Americansâ€™ lives hung in the balance. But Americans can rest easy because Martin Shkreli is a pharma bro no more. A federal court has not only found that his conduct was illegal, but also banned this convicted criminal from the pharmaceutical industry for life and required him to pay nearly $65 million. This is on top of the $40 million weâ€™ve already secured from Vyera. The rich and powerful donâ€™t get to play by their own set of rules, so it seems that cash doesnâ€™t rule everything around Mr. Shkreli. New Yorkers can trust that my office will do everything possible to hold the powerful accountable, in addition to fighting to protect their health and their wallets.â€
--New York Attorney General Letitia James

NY Press Release

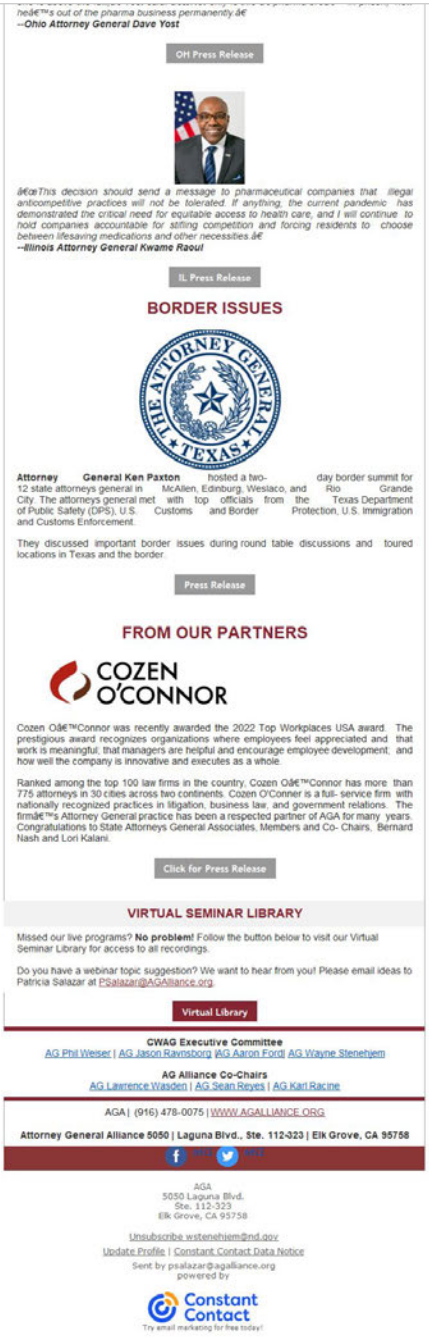
â€œTodayâ€™s win is an important one in our fight to make sure Americans can get affordable, live- saving medications. Martin Shkreli put profits over peopleâ€™s lives â€" it was unconscionable and illegal, and Iâ€™m pleased heâ€™ll never be able to work in the pharmaceutical industry again. Drug companies and executives should take note: if you illegally raise drug prices for your own financial gain, I will hold you accountable.â€
--North Carolina Attorney General Josh Stein

NC Press Release

â€œWithout regard for the lives he put at risk, Martin Shkreli orchestrated a scheme to raise the price of a vital medication from less than $20 to $750 â€" making it nearly impossible for the people who rely on the medication to access or afford it. Todayâ€™s relief is extraordinary and fair. Shkreli will be held accountable for his misconduct, and I hope it sends a message that similar conduct will not be tolerated.â€
--California Attorney General Rob Bonta

CA Press Release

â€œMartin Shkreli thought he could make his own rules because he had money, but no one is above the law,â€ Yost said. â€œHe's not only is this â€"pharma broâ€™ in prison, now

Body	

Record 933

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Letter Update: FCC Moves Up Small Provider STIR/SHAKEN Start Date
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:44:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:42:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 3:44:15.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This is being sent to all Attorneys General who signed the attached comment letter to the FCC and their Chief Deputies/Chiefs of Staff:* Today, the FCC announced it was shortening the deadline for small telephone providers to implement STIR/SHAKEN technology by 12 months to June 30, 2022. This proposal was supported by the 51 attorneys general who signed the attached NAAG letter earlier this year in response to the FCC's request for comments. In addition to the initial NAAG letter, the press release and the report and order are attached. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	DOC-378603A1[14279].pdf, FCC-21-122A1[14280].pdf, FILED_Reply-Comments_51-AGs_Small-VSPs-and-STIR-SHAKEN_WC17-97[14281].pdf, image001[14276].png, image002[14277].png, image003[14278].png

Record 934

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:23:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:23:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:23:30.000 AM

Body

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This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Please see the below in the attached "CFPB Comment Letter Packet":

1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017).
2. Dear Colleague letter from Attorneys General Rosenblum and Wasden
3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002

If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543.

23 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Sunday, December 5, 2021 9:04 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: Deadline Extension: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

In response to a request from the lead offices, the CFPB has extended the deadline for comments. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Please see the below in the attached "CFPB Comment Letter Packet":

1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017).
2. Dear Colleague letter from Attorneys General Rosenblum and Wasden
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The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002

Body	If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. 11 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, December 2, 2021 2:28 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov> **Subject:** Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** Please note, this was determined based on the CFPB's deadline for responses. The lead sponsors have asked the CFPB for additional submission time as well. Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	joseph.ferretti@doj.state.or.us, shantel.knowlton@ag.idaho.gov
Attachments	16015.pdf, image001[14597].png, image002[14598].png, image004[14599].png, image005[14600].png

Record 935

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:34:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:34:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:34:46.000 PM

Body

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This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

At the request of several offices, a minor change has been made to the attached draft letter. Your office does not need to rejoin the letter following this change.

If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Monday, December 13, 2021 9:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

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The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002

If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543.

23 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Sunday, December 5, 2021 9:04 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: Deadline Extension: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive

Body	*Assistants:* In response to a request from the lead offices, the CFPB has extended the deadline for comments. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.** Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. 11 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, December 2, 2021 2:28 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov> **Subject:** Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** Please note, this was determined based on the CFPB's deadline for responses. The lead sponsors have asked the CFPB for additional submission time as well. Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	joseph.ferretti@doj.state.or.us, shantel.knowlton@ag.idaho.gov
Attachments	16006.docx, image001[14635].png, image002[14636].png, image003[14637].png, image004[14638].png

Record 936

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:34:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:34:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:34:46.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

At the request of several offices, a minor change has been made to the attached draft letter. Your office does not need to rejoin the letter following this change.

If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Monday, December 13, 2021 9:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Please see the below in the attached "CFPB Comment Letter Packet":

1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017).
2. Dear Colleague letter from Attorneys General Rosenblum and Wasden
3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002

If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543.

23 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
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From: Ryan Greenstein
Sent: Sunday, December 5, 2021 9:04 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: Deadline Extension: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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Body	*Assistants:* In response to a request from the lead offices, the CFPB has extended the deadline for comments. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.** Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. 11 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, December 2, 2021 2:28 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov> **Subject:** Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** Please note, this was determined based on the CFPB's deadline for responses. The lead sponsors have asked the CFPB for additional submission time as well. Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	joseph.ferretti@doj.state.or.us, shantel.knowlton@ag.idaho.gov
Attachments	12648.docx, image001[11189].png, image002[11190].png, image003[11191].png, image004[11192].png

Record 937

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:12:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:11:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:12:05.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* The attached letter was signed by 33 attorneys general and did not reach NAAG policy. It will be submitted to the CFPB on Monday afternoon pacific time. If you have any questions or would still like to join prior to Monday, please contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	joseph.ferretti@doj.state.or.us, shantel.knowlton@ag.idaho.gov, awynstra@naag.org
Attachments	15975.pdf, image001[14827].png, image002[14828].png, image003[14829].png

Record 938

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:12:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:11:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:12:05.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* The attached letter was signed by 33 attorneys general and did not reach NAAG policy. It will be submitted to the CFPB on Monday afternoon pacific time. If you have any questions or would still like to join prior to Monday, please contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	joseph.ferretti@doj.state.or.us, shantel.knowlton@ag.idaho.gov, awynstra@naag.org
Attachments	12617.pdf, image001[11364].png, image002[11365].png, image003[11366].png

Record 939

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org

Recipients	rgreenstein@naag.org
Subject	Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:13:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:11:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:13:03.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	15929.pdf, 15928.pdf, image001[15140].png, image002[15141].png, image009[15142].png

Record 940

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:13:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:11:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:13:03.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	12565.pdf, 12564.pdf, image001[11738].png, image002[11739].png, image009[11740].png

Record 941

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	tleatherman@naag.org
Subject	NAAG Policy: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 10:07:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 10:04:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 10:07:08.000 AM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

The attached letter has reached NAAG policy with 42 signatories. If you would still like to join, return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org) by Friday, January 7, 2022, (TODAY) at 3:00 pm ET.

These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls.

This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.**
NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Please keep Tracy Nayer in NC AGO Tnayer@ncdoj.gov posted on your progress.

These comments build on prior comments to which 51 AGs signed on and these comments are the next steps in our collective advocacy and are absolutely significant and consequential so we urge all prior signatories to these comments as well.

If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee:

- John Abel in PA (jabel@attorneygeneral.gov)
- Brandon Bingle in PA (bbingle@attorneygeneral.gov)
- David McCoy in AR (david.mccoy@arkansasag.gov)
- Peggy Johnson in AR (peggy.johnson@arkansasag.gov)
- Tracy Nayer in NC (tnayer@ncdoj.gov).

Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Todd Leatherman <tleatherman@naag.org>
Sent: Wednesday, December 29, 2021 2:59 PM
To: Todd Leatherman <tleatherman@naag.org>
Cc: Ryan Greenstein <rgreenstein@naag.org>; Ashley Wynstra <awynstra@naag.org>; Nayer, Tracy <Tnayer@ncdoj.gov>
Subject: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022

This message is being sent on behalf of Ryan Greenstein to all Attorneys General, Chief Deputies/Chiefs

Body	*of Staff, and Executive Assistants:* The Attached and below are provided by Tracy Nayer in the NC AGO. _____ These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Please keep Tracy Nayer in NC AGO Tnayer@ncdoj.gov posted on your progress.* These comments build on prior comments to which 51 AGs signed on and these comments are the next steps in our collective advocacy and are absolutely significant and consequential so we urge all prior signatories to these comments as well. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records. **Todd E. Leatherman** **Program Counsel, NAGTRI Center for Consumer Protection** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
CC	awynstra@naag.org, tnayer@ncdoj.gov
Attachments	FNPRM-GatewayProviders_Oct2021[15919].pdf, image002[15166].png, image003[15167].png, image006[15168].png, image007[15169].png, image008[15170].jpg, image009[15171].png, 15921.pdf, 15920.pdf

Record 942

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	tleatherman@naag.org
Subject	NAAG Policy: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 10:07:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 10:04:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 10:07:08.000 AM

Body

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- Brandon Bingle in PA (bbingle@attorneygeneral.gov)
- David McCoy in AR (david.mccoy@arkansasag.gov)
- Peggy Johnson in AR (peggy.johnson@arkansasag.gov)
- Tracy Nayer in NC (tnayer@ncdoj.gov).

Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
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Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Todd Leatherman <tleatherman@naag.org>
Sent: Wednesday, December 29, 2021 2:59 PM
To: Todd Leatherman <tleatherman@naag.org>
Cc: Ryan Greenstein <rgreenstein@naag.org>; Ashley Wynstra <awynstra@naag.org>; Nayer, Tracy <Tnayer@ncdoj.gov>
Subject: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022

This message is being sent on behalf of Ryan Greenstein to all Attorneys General, Chief Deputies/Chiefs

Body	*of Staff, and Executive Assistants:* The Attached and below are provided by Tracy Nayer in the NC AGO. _____ These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Please keep Tracy Nayer in NC AGO Tnayer@ncdoj.gov posted on your progress.* These comments build on prior comments to which 51 AGs signed on and these comments are the next steps in our collective advocacy and are absolutely significant and consequential so we urge all prior signatories to these comments as well. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records. **Todd E. Leatherman** **Program Counsel, NAGTRI Center for Consumer Protection** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
CC	awynstra@naag.org, tnayer@ncdoj.gov
Attachments	FNPRM-GatewayProviders_Oct2021[12555].pdf, image002[11764].png, image003[11765].png, image006[11766].png, image007[11767].png, image008[11768].jpg, image009[11769].png, 12557.pdf, 12556.pdf

Record 943

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Update: Letter to FCC
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 1:53:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 1:52:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 1:53:05.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This is being sent to all attorneys general who signed today's letter to the FCC and their chief deputies/chiefs of staff and executive assistants:* NAAG sent a comment letter today to the FCC, urging them to put in place measures that will help prevent international scam calls. The letter was signed by all 50 state attorneys general and the District of Columbia. You can view a copy of the letter and the press release on our website. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	tnayer@ncdoj.gov
Attachments	image001[15221].png, image002[15222].png, image003[15223].png

Record 944

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Update: Letter to FCC
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 1:53:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 1:52:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 1:53:05.000 PM
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CC	tnayer@ncdoj.gov
Attachments	image001[11816].png, image002[11817].png, image003[11818].png

Record 945

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	RE: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:30:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:28:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:30:26.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* In response to feedback from other offices, the comment letter to the FDA has been amended. Please see the attached redlined version. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, January 6, 2022 3:11 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	15904.pdf, image001[15243].png, image002[15244].png, image003[15245].png, image004[15246].png, 15906.DOCX, 15905.pdf

Record 946

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	RE: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:30:26.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:28:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:30:26.000 AM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* In response to feedback from other offices, the comment letter to the FDA has been amended. Please see the attached redlined version. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, January 6, 2022 3:11 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	12540.pdf, image001[11840].png, image002[11841].png, image003[11842].png, image004[11843].png, 12542.DOCX, 12541.pdf

Record 947

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	RE: Letter Update: State Antitrust Enforcement Venue Act of 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 8:49:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 8:49:19.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 8:49:33.000 AM
Body	

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:

Yesterday, Rep. Ken Buck, Ranking Member of the Antitrust, Commercial and Administrative Law Subcommittee, filed a discharge petition in an attempt to force a floor vote on the State Antitrust Enforcement Venue Act of 2021. Discharge petitions require a simple majority of the House of Representatives to discharge a bill from committee to the floor without requiring the support of Congressional leadership. Of the 218 required signatories, Rep. Buck's petition currently has 39 signatures.

The initial NAAG letter was signed by 52 attorneys general and was also supported in an OpEd in October by Attorneys General Peterson and James. NAAG will continue to monitor and will provide updates as available.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Thursday, September 23, 2021 10:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Jeremy Pearlman <Jeremy.Pearlman@ct.gov>; Fulkerson, Bret <Bret.Fulkerson@oag.texas.gov>; Diane Hazel <Diane.Hazel@coag.gov>; Grimmer, Nick <Nick.Grimmer@oag.texas.gov>; dupreem@ag.Louisiana.gov; Deblieux, Stacie <deblieuxs@ag.louisiana.gov>
Subject: RE: Letter Update: State Antitrust Enforcement Venue Act of 2021

This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:

Earlier this morning, the Senate Judiciary Committee voted nearly unanimously to report the State Antitrust Enforcement Venue Act of 2021 favorably to the Senate floor. No amendments were added to the bill and it is identical to the version introduced in the House, which passed favorably out of the House Judiciary Committee in June.

Throughout the markup, multiple Senators referenced the bipartisan support from the 52 attorneys general who signed the attached letter and the importance of state antitrust enforcement by attorneys general.

The full debate related to the bill is available HERE. It begins at 00:42:50 and ends with the favorable vote at 1:10:30.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

Register today for NAAG's conference on The Surveillance Economy.

From: Ryan Greenstein

Body	**Sent:** Wednesday, June 23, 2021 3:35 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** 'Pearlman, Jeremy' <Jeremy.Pearlman@ct.gov>; 'Fulkerson, Bret' <Bret.Fulkerson@oag.texas.gov>; 'Diane Hazel' <Diane.Hazel@coag.gov>; 'Grimmer, Nick' <Nick.Grimmer@oag.texas.gov>; 'dupreem@ag.Louisiana.gov' <dupreem@ag.Louisiana.gov>; 'Deblieux, Stacie' <deblieuxs@ag.louisiana.gov> **Subject:** Letter Update: State Antitrust Enforcement Venue Act of 2021 *This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:* Moments ago, the House Judiciary Committee held a markup for the State Antitrust Enforcement Venue Act of 2021, which was supported by NAAG in the attached letter signed by 52 attorneys general. The bill passed out of committee with 34 ayes and 7 no's. The bill will now be reported favorably to the full House. During his remarks, Chairman Nadler mentioned the attached letter and the National Association of Attorneys General by name during his opening remarks and stated "I agree with the state attorneys general" about the need for the legislation. The Chairman reiterated his support several times for the quick passage of the bill. Subcommittee Antitrust, Commercial, and Administrative Law Chair Cicilline introduced NAAG's letter into the record. Both Chair Cicilline and Ranking Member Buck repeatedly referenced NAAG's support for the bill and praised the state antitrust enforcement letters led by attorneys general. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Monday, June 21, 2021 9:43 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** 'Pearlman, Jeremy' <Jeremy.Pearlman@ct.gov>; 'Fulkerson, Bret' <Bret.Fulkerson@oag.texas.gov>; 'Diane Hazel' <Diane.Hazel@coag.gov>; 'Grimmer, Nick' <Nick.Grimmer@oag.texas.gov>; 'dupreem@ag.Louisiana.gov' <dupreem@ag.Louisiana.gov>; 'Deblieux, Stacie' <deblieuxs@ag.louisiana.gov> **Subject:** Letter Update: State Antitrust Enforcement Venue Act of 2021 *This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:* The attached letter supporting the State Antitrust Enforcement Venue Act of 2021 was sent on Friday to the intended recipients and was signed by 52 attorneys general. On Friday, the letter was featured on FoxNews.com and the lead sponsor, Rep. Buck of Colorado, tweeted his appreciation for the bipartisan coalition of attorneys general. On June 23rd, the House Judiciary Committee will be holding a markup for this bill and other pieces of antitrust legislation. NAAG has been informed that Rep. Buck is planning to submit the letter for the record during the hearing. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	15900.pdf, image001[15256].png, image002[15257].png, image004[15258].png, image006[15259].png, image007[15260].png

Record 948

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	RE: Letter Update: State Antitrust Enforcement Venue Act of 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 8:49:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 8:49:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/12/2022 8:49:33.000 AM

Body

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Special Assistant to the Executive Director
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Sent: Thursday, September 23, 2021 10:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Jeremy Pearlman <Jeremy.Pearlman@ct.gov>; Fulkerson, Bret <Bret.Fulkerson@oag.texas.gov>; Diane Hazel <Diane.Hazel@coag.gov>; Grimmer, Nick <Nick.Grimmer@oag.texas.gov>; dupreem@ag.Louisiana.gov; Deblieux, Stacie <deblieuxs@ag.louisiana.gov>
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Ryan Greenstein
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Register today for NAAG's conference on The Surveillance Economy.

From: Ryan Greenstein

Body	**Sent:** Wednesday, June 23, 2021 3:35 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** 'Pearlman, Jeremy' <Jeremy.Pearlman@ct.gov>; 'Fulkerson, Bret' <Bret.Fulkerson@oag.texas.gov>; 'Diane Hazel' <Diane.Hazel@coag.gov>; 'Grimmer, Nick' <Nick.Grimmer@oag.texas.gov>; 'dupreem@ag.Louisiana.gov' <dupreem@ag.Louisiana.gov>; 'Deblieux, Stacie' <deblieuxs@ag.louisiana.gov> **Subject:** Letter Update: State Antitrust Enforcement Venue Act of 2021 *This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:* Moments ago, the House Judiciary Committee held a markup for the State Antitrust Enforcement Venue Act of 2021, which was supported by NAAG in the attached letter signed by 52 attorneys general. The bill passed out of committee with 34 ayes and 7 no's. The bill will now be reported favorably to the full House. During his remarks, Chairman Nadler mentioned the attached letter and the National Association of Attorneys General by name during his opening remarks and stated "I agree with the state attorneys general" about the need for the legislation. The Chairman reiterated his support several times for the quick passage of the bill. Subcommittee Antitrust, Commercial, and Administrative Law Chair Cicilline introduced NAAG's letter into the record. Both Chair Cicilline and Ranking Member Buck repeatedly referenced NAAG's support for the bill and praised the state antitrust enforcement letters led by attorneys general. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Monday, June 21, 2021 9:43 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** 'Pearlman, Jeremy' <Jeremy.Pearlman@ct.gov>; 'Fulkerson, Bret' <Bret.Fulkerson@oag.texas.gov>; 'Diane Hazel' <Diane.Hazel@coag.gov>; 'Grimmer, Nick' <Nick.Grimmer@oag.texas.gov>; 'dupreem@ag.Louisiana.gov' <dupreem@ag.Louisiana.gov>; 'Deblieux, Stacie' <deblieuxs@ag.louisiana.gov> **Subject:** Letter Update: State Antitrust Enforcement Venue Act of 2021 *This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:* The attached letter supporting the State Antitrust Enforcement Venue Act of 2021 was sent on Friday to the intended recipients and was signed by 52 attorneys general. On Friday, the letter was featured on FoxNews.com and the lead sponsor, Rep. Buck of Colorado, tweeted his appreciation for the bipartisan coalition of attorneys general. On June 23rd, the House Judiciary Committee will be holding a markup for this bill and other pieces of antitrust legislation. NAAG has been informed that Rep. Buck is planning to submit the letter for the record during the hearing. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	12535.pdf, image001[11853].png, image002[11854].png, image004[11855].png, image006[11856].png, image007[11857].png

Record 949

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:32:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:30:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:32:15.000 PM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.**

The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids

If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov.

For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Tuesday, January 11, 2022 9:29 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
Subject: RE: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

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Body	**Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, January 6, 2022 3:11 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	15888.pdf, image001[15342].png, image002[15343].png, image003[15344].png, image004[15345].png, 15890.DOCX, 15889.pdf

Record 950

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:32:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:30:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:32:15.000 PM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

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From: Ryan Greenstein
Sent: Tuesday, January 11, 2022 9:29 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
Subject: RE: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

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CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	12525.pdf, image001[11956].png, image002[11957].png, image003[11958].png, image004[11959].png, 12527.DOCX, 12526.pdf

Record 951

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Call to Action and Letter Update: State Antitrust Enforcement Venue Act of 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:00:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:00:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:00:46.000 PM

Body

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As the discharge petition is a tool primarily used by the House minority, Rep. Buck's office has asked attorneys general and their staff to consider reaching out to Republican members of their Congressional delegations to encourage them to support both the petition (H. Res. 823) and the bill (HR 3460) to help the bill continue moving forward. Please also consider encouraging members of both parties in your delegation to cosponsor the bill. The State Antitrust Enforcement Venue Act has the best chance of moving forward of any current antitrust legislation and your support and outreach will be critical in helping this bill reach the finish line.

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Special Assistant to the Executive Director
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Washington, DC 20036
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rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Wednesday, January 12, 2022 9:49 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Subject: RE: Letter Update: State Antitrust Enforcement Venue Act of 2021

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Yesterday, Rep. Ken Buck, Ranking Member of the Antitrust, Commercial and Administrative Law Subcommittee, filed a discharge petition in an attempt to force a floor vote on the State Antitrust Enforcement Venue Act of 2021. Discharge petitions require a simple majority of the House of Representatives to discharge a bill from committee to the floor without requiring the support of Congressional leadership. Of the 218 required signatories, Rep. Buck's petition currently has 39 signatures.

The initial NAAG letter was signed by 52 attorneys general and was also supported in an OpEd in October by Attorneys General Peterson and James. NAAG will continue to monitor and will provide updates as available.

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Special Assistant to the Executive Director
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From: Ryan Greenstein
Sent: Thursday, September 23, 2021 10:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Jeremy Pearlman <Jeremy.Pearlman@ct.gov>; Fulkerson, Bret <Bret.Fulkerson@oag.texas.gov>; Diane Hazel <Diane.Hazel@coag.gov>; Grimmer, Nick <Nick.Grimmer@oag.texas.gov>; dupreem@ag.Louisiana.gov; Deblieux, Stacie <deblieuxs@ag.louisiana.gov>
Subject: RE: Letter Update: State Antitrust Enforcement Venue Act of 2021

This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:

Earlier this morning, the Senate Judiciary Committee voted nearly unanimously to report the State Antitrust Enforcement Venue Act of 2021 favorably to the Senate floor. No amendments were added to the bill and it is identical to the version introduced in the House, which passed favorably out of the House Judiciary Committee in June.

Throughout the markup, multiple Senators referenced the bipartisan support from the 52 attorneys general who signed the attached letter and the importance of state antitrust enforcement by attorneys general.

The full debate related to the bill is available HERE. It begins at 00:42:50 and ends with the favorable vote at

Body	1:10:30. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org Register today for NAAG's conference on The Surveillance Economy. **From:** Ryan Greenstein **Sent:** Wednesday, June 23, 2021 3:35 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** 'Pearlman, Jeremy' <Jeremy.Pearlman@ct.gov>; 'Fulkerson, Bret' <Bret.Fulkerson@oag.texas.gov>; 'Diane Hazel' <Diane.Hazel@coag.gov>; 'Grimmer, Nick' <Nick.Grimmer@oag.texas.gov>; 'dupreem@ag.Louisiana.gov' <dupreem@ag.Louisiana.gov>; 'Deblieux, Stacie' <deblieuxs@ag.louisiana.gov> **Subject:** Letter Update: State Antitrust Enforcement Venue Act of 2021 *This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:* Moments ago, the House Judiciary Committee held a markup for the State Antitrust Enforcement Venue Act of 2021, which was supported by NAAG in the attached letter signed by 52 attorneys general. The bill passed out of committee with 34 ayes and 7 no's. The bill will now be reported favorably to the full House. During his remarks, Chairman Nadler mentioned the attached letter and the National Association of Attorneys General by name during his opening remarks and stated "I agree with the state attorneys general" about the need for the legislation. The Chairman reiterated his support several times for the quick passage of the bill. Subcommittee Antitrust, Commercial, and Administrative Law Chair Cicilline introduced NAAG's letter into the record. Both Chair Cicilline and Ranking Member Buck repeatedly referenced NAAG's support for the bill and praised the state antitrust enforcement letters led by attorneys general. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Monday, June 21, 2021 9:43 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** 'Pearlman, Jeremy' <Jeremy.Pearlman@ct.gov>; 'Fulkerson, Bret' <Bret.Fulkerson@oag.texas.gov>; 'Diane Hazel' <Diane.Hazel@coag.gov>; 'Grimmer, Nick' <Nick.Grimmer@oag.texas.gov>; 'dupreem@ag.Louisiana.gov' <dupreem@ag.Louisiana.gov>; 'Deblieux, Stacie' <deblieuxs@ag.louisiana.gov> **Subject:** Letter Update: State Antitrust Enforcement Venue Act of 2021 *This is being sent to all Attorneys General who signed the attached letter and their Chief Deputies/Chiefs of Staff and Executive Assistants:* The attached letter supporting the State Antitrust Enforcement Venue Act of 2021 was sent on Friday to the intended recipients and was signed by 52 attorneys general. On Friday, the letter was featured on FoxNews.com and the lead sponsor, Rep. Buck of Colorado, tweeted his appreciation for the bipartisan coalition of attorneys general. On June 23rd, the House Judiciary Committee will be holding a markup for this bill and other pieces of antitrust legislation. NAAG has been informed that Rep. Buck is planning to submit the letter for the record during the hearing. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	15882.pdf, image001[15379].png, image002[15380].png, image003[15381].png, image004[15382].png, image005[15383].png, 15883.docx

Record 952

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	Call to Action and Letter Update: State Antitrust Enforcement Venue Act of 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:00:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:00:32.000 PM
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rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Wednesday, January 12, 2022 9:49 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Subject: RE: Letter Update: State Antitrust Enforcement Venue Act of 2021

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Special Assistant to the Executive Director
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From: Ryan Greenstein
Sent: Thursday, September 23, 2021 10:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Jeremy Pearlman <Jeremy.Pearlman@ct.gov>; Fulkerson, Bret <Bret.Fulkerson@oag.texas.gov>; Diane Hazel <Diane.Hazel@coag.gov>; Grimmer, Nick <Nick.Grimmer@oag.texas.gov>; dupreem@ag.Louisiana.gov; Deblieux, Stacie <deblieuxs@ag.louisiana.gov>
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Attachments	12519.pdf, image001[11983].png, image002[11984].png, image003[11985].png, image004[11986].png, image005[11987].png, 12520.docx

Record 953

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	NAAG Policy: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:28:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:27:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:28:29.000 PM

Body

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Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
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From: Ryan Greenstein
Sent: Thursday, January 13, 2022 4:30 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
Subject: REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

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Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
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Body	*This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* In response to feedback from other offices, the comment letter to the FDA has been amended. Please see the attached redlined version. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, January 6, 2022 3:11 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	15878.pdf, image001[15389].png, image002[15390].png, image003[15391].png, image004[15392].png, 15880.DOCX, 15879.pdf

Record 954

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	NAAG Policy: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:28:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:27:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:28:29.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

The attached letter has reached **NAAG Policy with 37 signatures**. As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.**

The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids

If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov.

For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Thursday, January 13, 2022 4:30 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
Subject: REMINDER: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.**

The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids

If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov.

For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Tuesday, January 11, 2022 9:29 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>
Subject: RE: Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules

Body	*This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* In response to feedback from other offices, the comment letter to the FDA has been amended. Please see the attached redlined version. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, January 6, 2022 3:11 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Wertheimer, Michael <Michael.Wertheimer@ct.gov>; Melissa Wright <Melissa.Wright@OhioAGO.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov> **Subject:** Sign-On Opportunity: Comment Letter to FDA re: OTC Hearing Aid Rules *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** Please see the below in the attached "FDA Comment Letter Packet": 1. Draft comment letter in response to the FDA's request for comments on its proposed rule regarding over the counter hearing aids (Docket No. FDA-2021-N-0555) 2. Dear Colleague letter from Attorneys General Tong and Yost 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on January 14, 2022.** The request for comments is attached and available at https://www.federalregister.gov/documents/2021/10/20/2021-22473/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids If you have any questions about the letter, please do not hesitate to contact Michael Wertheimer of Connecticut at Michael.Wertheimer@ct.gov or Melissa Wright of Ohio at Melissa.Wright@OhioAGO.gov. For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Michael.Wertheimer@ct.gov, Melissa.Wright@OhioAGO.gov, Jonathan.Blake@ct.gov
Attachments	12515.pdf, image001[11993].png, image002[11994].png, image003[11995].png, image004[11996].png, 12517.DOCX, 12516.pdf

Record 955

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Recipients	rgreenstein@naag.org
Subject	DEA National Take Back Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:56:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:55:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:56:03.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants on behalf of the DEA Diversion Control Division:* DEA National Prescription Take Back Day – April 30, 2022 Dear Attorney General: The Drug Enforcement Administration (DEA) has scheduled the 22nd National Prescription Drug Take Back Day for April 30, 2022, for the disposal of unused, unneeded, or expired prescription controlled substances. These events over the last eleven years (September 2010 – October 2021) were overwhelmingly successful and resulted in the collection and disposal of over 7,440 tons of pharmaceuticals. The success of the past events is in no small part due to the cooperative efforts of the State Attorney General Offices' in encouraging participation by state, local, and tribal law enforcement agencies. Your outreach is greatly appreciated. The upcoming take back day will provide another opportunity for the public who have accumulated prescription controlled substances to surrender these substance to law enforcement officers for proper disposal. We, again, request your support and hope you will join us in this effort by encouraging participation by law enforcement organizations within your state. Collection locations staffed by duly authorized law enforcement officials are planned from 10:00 a.m. to 2:00 p.m. at predetermined community sites. Destruction will be accomplished in accordance with all applicable federal and state laws and regulations. Local departments may contact the DEA office in their area of jurisdiction for collection day protocols. As a result of COVID-19, we understand it is a fluid situation and that circumstances for each state will differ. Thank you for your consideration of this important project. If you have questions concerning this matter, please feel free to contact me at (571) 362-8177, or Liaison Section Chief, Claire Brennan at (571) 362-9007. Sincerely, Thomas Prevoznik Deputy Assistant Administrator Diversion Control Division **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
CC	Lindsay.J.Smith@dea.gov, Colin.P.Clark@dea.gov, NTBI@dea.gov
Attachments	image001[15786].png, image002[15787].png, image003[15788].png

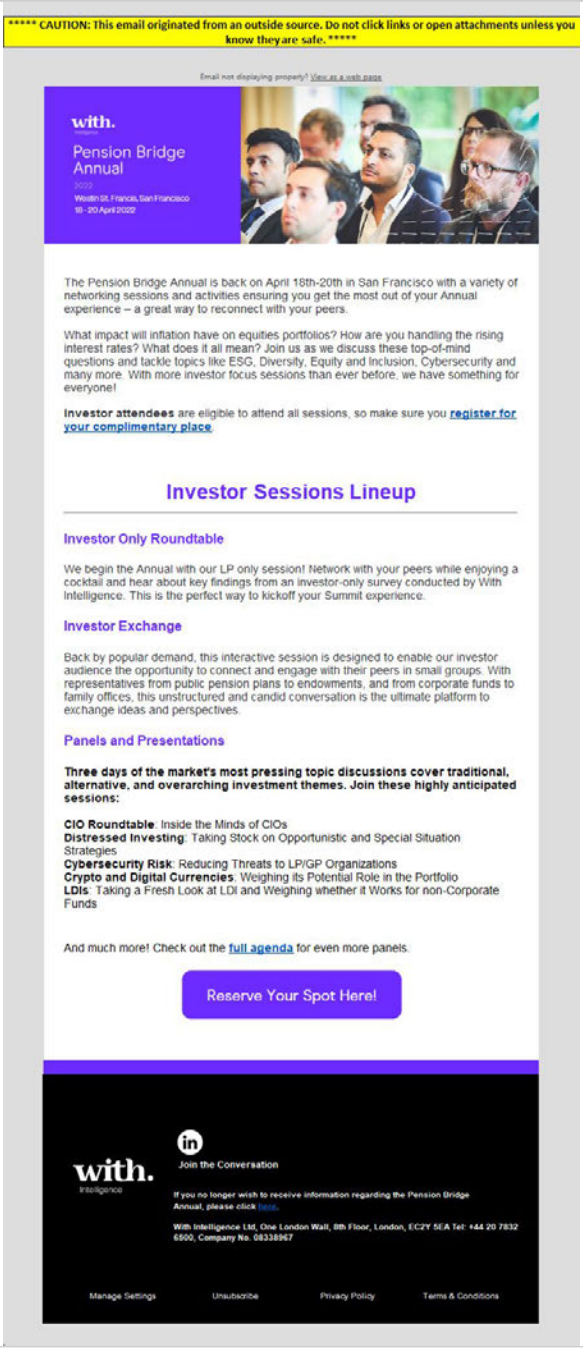
Record 956

Sender Name	Ryan Greenstein
Sender Email	rgreenstein@naag.org
Subject	DEA National Take Back Day
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:55:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 10:56:03.000 AM

Record 957

Sender Name	Roza Dul
Sender Email	roza.dul@withintelligence-email.com
Recipients	wstenehjem@nd.gov
Subject	Investor-Only Sessions Lineup
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 3:39:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 3:39:43.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 3:39:46.000 PM
Body	



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with.

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2022

Westin St. Francis, San Francisco

18 - 20 April 2022

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What impact will inflation have on equities portfolios? How are you handling the rising interest rates? What does it all mean? Join us as we discuss these top-of-mind questions and tackle topics like ESG, Diversity, Equity and Inclusion, Cybersecurity and many more. With more investor focus sessions than ever before, we have something for everyone!

Investor attendees are eligible to attend all sessions, so make sure you **register for your complimentary place**.

Investor Sessions Lineup

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We begin the Annual with our LP only session! Network with your peers while enjoying a cocktail and hear about key findings from an investor-only survey conducted by With Intelligence. This is the perfect way to kickoff your Summit experience.

Investor Exchange

Back by popular demand, this interactive session is designed to enable our investor audience the opportunity to connect and engage with their peers in small groups. With representatives from public pension plans to endowments, and from corporate funds to family offices, this unstructured and candid conversation is the ultimate platform to exchange ideas and perspectives.

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Three days of the market's most pressing topic discussions cover traditional, alternative, and overarching investment themes. Join these highly anticipated sessions:

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Distressed Investing: Taking Stock on Opportunistic and Special Situation Strategies
Cybersecurity Risk: Reducing Threats to LP/GP Organizations
Crypto and Digital Currencies: Weighing its Potential Role in the Portfolio
LDIs: Taking a Fresh Look at LDI and Weighing whether it Works for non-Corporate Funds

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With Intelligence Ltd, One London Wall, 8th Floor, London, EC2Y 5EA Tel: +44 20 7832 6500, Company No. 08338967

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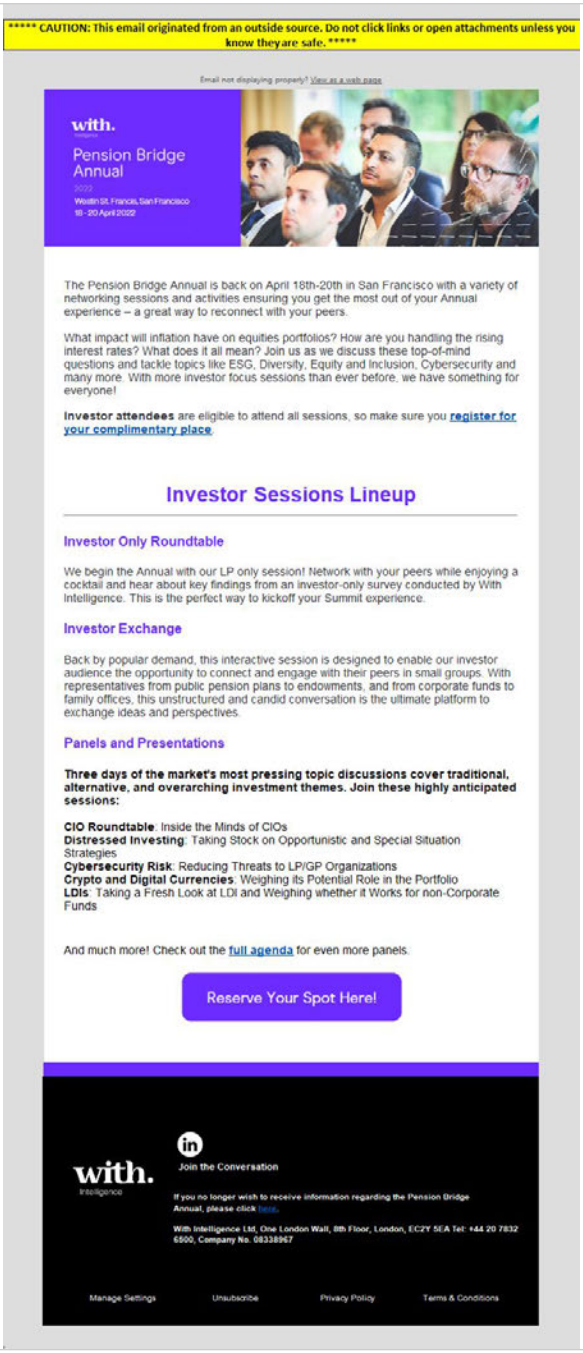
Record 958

Sender Name	Roza Dul
Sender Email	roza.dul@withintelligence-email.com
Recipients	wstenehjem@nd.gov
Subject	Investor-Only Sessions Lineup
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 3:39:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 3:39:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 3:39:46.000 PM

Body	

Record 959

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	CLD Statistics - November 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:25.000 PM

Body	Good Afternoon. Attached please find statistics for November 2021 for the CLD. Let me know if you have any questions or need additional information. Happy New Year! Robyn
CC	tseibel@nd.gov
Attachments	14985.pdf

Record 960

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	CLD Statistics - November 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:25.000 PM
Body	Good Afternoon. Attached please find statistics for November 2021 for the CLD. Let me know if you have any questions or need additional information. Happy New Year! Robyn
CC	tseibel@nd.gov
Attachments	12587.pdf

Record 961

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	CLD Statistics - December 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 12:09:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 12:09:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 12:09:37.000 PM

Body	Good Morning. Attached please find statistics for December 2021 for the CLD. Let me know if you have any questions or need additional information. Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	15937.pdf, image001[15084].png, image006[15085].png, image007[15086].png

Record 962

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	CLD Statistics - December 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 12:09:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 12:09:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 12:09:37.000 PM

Body	Good Morning. Attached please find statistics for December 2021 for the CLD. Let me know if you have any questions or need additional information. Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	12573.pdf, image001[11660].png, image006[11661].png, image007[11662].png

Record 963

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Meeting Follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:27:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:27:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:27:07.000 PM

Body	Good Afternoon. I just wanted to give you a brief update on today's meeting (Troy, sorry you couldn't make it). I think we had some great discussion regarding case prioritizations, communication and paths forward. I will be sending you a prioritization scheme proposal soon. We have some great policies from MN and VA that we plan to mimic in our policy. We will send to the attendees of today's meeting for feedback, then send to you for approval. Once approved I will send a memo to all of our stakeholders. The hot topic of the meeting was what your decision is regarding firearms and latent print analyses. LEAs want to know what our plan is. Apparently, they have been holding these cases so there is a backlog at the LEAs. I have attached the proposal I sent to you in April for your review. We probably should set an in person meeting to discuss these items. Please let me know if you have any questions or need additional information. Regards, Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	crittenbach@nd.gov
Attachments	15911.pdf, image001[15226].png, image003[15228].png, image005[15229].png

Record 964

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Meeting Follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:27:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:27:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 4:27:07.000 PM

Body	Good Afternoon. I just wanted to give you a brief update on today's meeting (Troy, sorry you couldn't make it). I think we had some great discussion regarding case prioritizations, communication and paths forward. I will be sending you a prioritization scheme proposal soon. We have some great policies from MN and VA that we plan to mimic in our policy. We will send to the attendees of today's meeting for feedback, then send to you for approval. Once approved I will send a memo to all of our stakeholders. The hot topic of the meeting was what your decision is regarding firearms and latent print analyses. LEAs want to know what our plan is. Apparently, they have been holding these cases so there is a backlog at the LEAs. I have attached the proposal I sent to you in April for your review. We probably should set an in person meeting to discuss these items. Please let me know if you have any questions or need additional information. Regards, Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	crittenbach@nd.gov
Attachments	12547.pdf, image001[11823].png, image003[11825].png, image005[11826].png

Record 965

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re: Meeting Follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:27:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:27:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:27:54.000 AM

Body	Liz, Friday is better for me if it works for everyone. My sister extended her stay due to me having complications from surgery. She will be here Friday (she is leaving Monday) and will be able to drive me to the Capitol. Thanks! Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 5:07:42 PM **To:** Quinn, Robyn <rquinn@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Rittenbach, Charlene R. <crittenbach@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Meeting Follow-up Thanks, Robyn. Please arrange an in person meeting through Liz, hopefully Friday of this week or next Monday. [I'm speaking with the State's Attorneys on the 19th, and I'd like to have an outline before then. Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 10, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Subject:** Meeting Follow-up Good Afternoon. I just wanted to give you a brief update on today's meeting (Troy, sorry you couldn't make it). I think we had some great discussion regarding case prioritizations, communication and paths forward. I will be sending you a prioritization scheme proposal soon. We have some great policies from MN and VA that we plan to mimic in our policy. We will send to the attendees of today's meeting for feedback, then send to you for approval. Once approved I will send a memo to all of our stakeholders. The hot topic of the meeting was what your decision is regarding firearms and latent print analyses. LEAs want to know what our plan is. Apparently, they have been holding these cases so there is a backlog at the LEAs. I have attached the proposal I sent to you in April for your review. We probably should set an in person meeting to discuss these items. Please let me know if you have any questions or need additional information. Regards, Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	crittenbach@nd.gov, lbrocker@nd.gov
Attachments	image001[15237].png, image002[15238].png, image003[15239].png

Record 966

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Re: Meeting Follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:27:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:27:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 2:27:54.000 AM

Body	Liz, Friday is better for me if it works for everyone. My sister extended her stay due to me having complications from surgery. She will be here Friday (she is leaving Monday) and will be able to drive me to the Capitol. Thanks! Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 5:07:42 PM **To:** Quinn, Robyn <rquinn@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Rittenbach, Charlene R. <crittenbach@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Meeting Follow-up Thanks, Robyn. Please arrange an in person meeting through Liz, hopefully Friday of this week or next Monday. [I'm speaking with the State's Attorneys on the 19th, and I'd like to have an outline before then. Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 10, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Subject:** Meeting Follow-up Good Afternoon. I just wanted to give you a brief update on today's meeting (Troy, sorry you couldn't make it). I think we had some great discussion regarding case prioritizations, communication and paths forward. I will be sending you a prioritization scheme proposal soon. We have some great policies from MN and VA that we plan to mimic in our policy. We will send to the attendees of today's meeting for feedback, then send to you for approval. Once approved I will send a memo to all of our stakeholders. The hot topic of the meeting was what your decision is regarding firearms and latent print analyses. LEAs want to know what our plan is. Apparently, they have been holding these cases so there is a backlog at the LEAs. I have attached the proposal I sent to you in April for your review. We probably should set an in person meeting to discuss these items. Please let me know if you have any questions or need additional information. Regards, Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	crittenbach@nd.gov, lbrocker@nd.gov
Attachments	image001[11834].png, image002[11835].png, image003[11836].png

Record 967

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Personnel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:06:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:06:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:06:25.000 PM

Body	Hi Wayne. Here is the list of personnel lost (resignation unless noted) in 2021: January: Dan Haak (Latent Prints Unit) March: Chris Focke (Technical Leader – Forensic Chemistry Unit) April: Anna Narehood (Forensic Chemistry Unit) June: Kali Hieb (Toxicology Unit – Biological & Breath Sections) August: Spencer Eberst (DNA Unit) *Training issues – resigned before he was let go (on probation/extended) November: Paige Harsy (DNA Unit) **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	tseibel@nd.gov
Attachments	image001[15662].png, image006[15663].png, image007[15664].png

Record 968

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Personnel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:06:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:06:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:06:25.000 PM

Body	Hi Wayne. Here is the list of personnel lost (resignation unless noted) in 2021: January: Dan Haak (Latent Prints Unit) March: Chris Focke (Technical Leader – Forensic Chemistry Unit) April: Anna Narehood (Forensic Chemistry Unit) June: Kali Hieb (Toxicology Unit – Biological & Breath Sections) August: Spencer Eberst (DNA Unit) *Training issues – resigned before he was let go (on probation/extended) November: Paige Harsy (DNA Unit) **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	tseibel@nd.gov
Attachments	image001[12296].png, image006[12297].png, image007[12298].png

Record 969

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Working Group
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:36:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:36:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:36:19.000 AM

Body	"Working Group" Troy Seibel A. Robyn Quinn Char Rittenbach Jeremy Spaeth Lori Mickelson Lonnie Grabowska Aaron Birst Jeremy Ensrud Joshua Traiser Chief Zibolski (Fargo PD) Sheriff Darren Benneweis (Ransom County) S/A Chris Kimmerle S/A Craig Sandusky **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[15739].png, image002[15740].png, image003[15741].png

Record 970

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Working Group
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:36:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:36:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:36:19.000 AM

Body	"Working Group" Troy Seibel A. Robyn Quinn Char Rittenbach Jeremy Spaeth Lori Mickelson Lonnie Grabowska Aaron Birst Jeremy Ensrud Joshua Traiser Chief Zibolski (Fargo PD) Sheriff Darren Benneweis (Ransom County) S/A Chris Kimmerle S/A Craig Sandusky **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[12380].png, image002[12381].png, image003[12382].png

Record 971

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Prayers
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:28:18.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:28:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 11:28:18.000 AM
Body	Hi Wayne! I had no idea you were ill. Keeping you in my thoughts and prayers. Robyn

Record 972

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Delta-8
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 12:04:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 12:04:55.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 12:04:56.000 PM
Body	Wayne, Char received a call yesterday from John Mortenson, Hemp Program Coordinator for the ND Department of Agriculture. He indicated he has licensed Hemp processors under the Department of Agriculture that are following the law on Delta-8 but have been complaining that smoke shops and retailers are not and are actively selling Delta-8 products. The Department of Agriculture doesn't regulate Hemp products nor do they have the authority to do so. He asked Char where and to whom he should bring these concerns to. I told her that I would reach out to you for a recommendation and a point of contact for John. Regards, Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	tseibel@nd.gov, lgrabowska@nd.gov, crittenbach@nd.gov
Attachments	image001[12798].png, image002[12799].png, image003[12800].png

Record 973

Sender Name	Quinn, Robyn
Sender Email	rquinn@nd.gov
Subject	Delta-8
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 12:04:55.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 12:04:56.000 PM

Record 974

Sender Name	Savaloja, Rebecca L.
Sender Email	rsavaloja@nd.gov
Recipients	mwuitschick@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov
Subject	RE: Question---are you going to reply or confirm receipt of below email?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:10:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:10:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:10:57.000 PM

Body	I have waited for Marcie to set a time to discuss concerns with me since December 22nd , as she suggested, with no response. Now I see she in on leave until the day I retire. I expect a call from someone regarding my concerns listed below before I retire. All of you have been very good at ignoring my issues and the issues of many, many other staff within the Dept of Human Services hoping they will quietly disappear. I know you are all very aware of the issues and chalking the way you are treating state employees, that have years of service, with never any complaint about their work, under the guise of "restructure" is inhumane or worse. If you are not part of the solution, you are part of the problem as the saying goes. Wayne, as a prior next door neighbor of yours in Grand Forks, I am including you in this email. I wonder if you have any idea what has been going on in the Department of Human Services for the past while and all the staff that are quitting because of the way they (we) are being treated? I truly believe things need to be looked into very deeply.....starting of course at the top. Becky Savaloja Account Tech II **From:** Savaloja, Rebecca L. **Sent:** Tuesday, January 4, 2022 8:56 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Marci— I have not heard from you regarding a time to verbally discuss. Please talk to Donna and Jeff before we talk. If there is one thing I am certain of, it is that laws were broken in not posting the positions given to two Fargo staff for accounts payable entry statewide. Things are in self destruct mode here at NEHSC which in the end will be good overall for anyone that ends of staying at NEHSC going forward. If anyone does stay. Becky **From:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Sent:** Wednesday, December 22, 2021 1:45 PM **To:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Thank you for the response Becky. I understand that you are frustrated and I do want to assure that your questions are answered, even though your concerns go back farther than 15 days. In order to look into what your questions are, discussion will need to be held with Jeff Stenseth and Donna Aukland. As you point out, the grievance process is a written process with specific time limits governed by Century Code and Administrative Rule. But that does not mean that issues cannot be resolved by other means. I would add that when reorganizations occur, certain processes are handled differently, but still are required to be follow State and Federal employment laws. This reorganization would be no different. I'm not sure when your last day of work is, but would you have any time next week or the following week to connect and we can verbally walk through your concerns? **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 21, 2021 9:30 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Good Morning Marcie, I know from prior staff that grievances go nowhere and it almost always hurts the staff that files them. I did look at the grievance form and it said that it needed to be filed with 15 days of incident. I am questioning what happened long after 15 days has past and just want a few answers before I retire. I have included others in this email because they need to know what is going on if they are not aware already. I am not going to personally talk to Jeff Stenseth or Donna Aukland about this because I am afraid of what they would potentially do to me. In further clarification: I received verbal notification in a meeting (no written notice) from Lynn Bingham with Jeff Stenseth present and a few other staff that were also having some minor duties removed. Again, Lynn apologized for not giving me more notice but said he was instructed not to! I just left Lynn Bingham's office and asked Lynn who he received the instruction from as far as giving me **no notice** that all my duties were being taken away. He said it was Donna Aukland. He said Donna, in meetings, told all business managers not to say anything to staff until they met with staff the end of July. The meeting occurred at the very end of July and I was told I was losing almost all of accounts payable duties immediately. There was another staff or two in the office that were also losing a few duties but I was the only one losing 90 percent or more along with others in my position in the state. I'm sure this was due to statewide reorganization. That is not the problem or the question. In the meeting it was said that some of my duties, going forward, were going to be required to be done by the business managers and the remainder was being given to two office assistants in SEHSC. I immediately asked why these 2 staff were just given all of my duties other than what the business manager was to do. Lynn Bingham threw out the response that their office was bigger or something to that effect, which of course I knew had nothing to do with anything. Jeff Stenseth sat there and said nothing regarding that. **My questions remain—** • **Why didn't the two office assistants have to apply for the jobs they got working on accounts payable for the whole state? Jobs that were taken from others statewide and just given to them? Is it not policy that these positions should have been opened up for me or others to have applied for if we wished? That is a question that I believe you would have the answer to Marcie.** • **Why did I get such late notice that my job was disappearing. This, most likely, would be a question for Donna Aukland and Jeff Stenseth.** • **Donna Aukland said there would be other duties to replace the ones I lost but I was never given anything? I do not know if my counterparts statewide were given new duties or not. Also please note that Lynn Bingham asked Donna several times, if I could help him out with duties given to him and Donna said No.** I expect that Donna and Jeff will come up with excuses that in their minds they can justify. I however, think it

Body	is very sad what they, and possibly their superiors, are doing to so many employees within the state. Jeff Stenseth introduces himself at meetings as the person who they bring in to get rid of staff but that it is not true. I have heard him say this on more than one occasion as has everyone else here. You do not get a reputation for something that is not deserved so of course it is true. I am not certain that he was trying to get rid of me. I do think they were getting rid of my position but there has to be a better way of doing this other than devaluing people that have given many years of service to this state and offering them nothing in return as far as other duties, a buy out or whatever. There are many instances where staff have been treated so badly that they quit or retire but I can't and won't speak for others. All anyone has to do is look at the turnover to know this as a fact. I do want my questions answered and this brought out in the open so hopefully going forward a better process can be in place that treats employees with dignity and respect. Neither of which I feel I was afforded. This is the reason unions are formed to protect employees from being treated the way I have been treated. I have never been a union member or even thought there was a need for unions prior to this but I am , unfortunately, realizing that there is a need. Thank you Becky Savaloja **From:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Sent:** Monday, December 20, 2021 4:33 PM **To:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Hi Becky, Thank you for your email, as well as your patience as I have looked into this issue. Based on the information I've been able to ascertain, it appears there was a statewide reorganization that occurred which impacted many different positions. Unfortunately I don't have answers to your specific questions; however, I think it's important that you get them. I also want to assure that you are aware of the grievance policy and your rights under that policy I am not sure if you are inferring that you wish to file a grievance, but regardless, you should receive an answer to the questions you have posed. Can you please confirm for me who you have received what notifications from? That will help me determine next steps. My initial thought is that Jeff Stenseth should be able to answer some of your questions, as he is the senior leader within your chain of command, but I am not certain who you have already talked to or asked these questions of. Also, if you have received any notifications in writing please send those to me. Thank you, Becky, for the work that you do. If you can let me know those two pieces of information I will be able to make some determination as to next steps. **Marcie Wuitschick, SHRM-CP, PHR** Director, Human Resources ND Department of Human Services 701-328-1290 mwuitschick@nd.gov **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 07, 2021 8:46 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** FW: Question---are you going to reply or confirm receipt of below email? **From:** Savaloja, Rebecca L. **Sent:** Friday, December 3, 2021 3:13 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** Question Marcie— Something has been bothering me and I would like your input on it. The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. That it was not only me but also my counterparts in the other human service centers in the state. I was told that part of my accounts payable duties and others that had the same position as me, were going to be done by the Business Managers and the rest of it was going to 2 office assistants at SEHSC who would take over the remainder of our duties statewide. I was told that this decision was made by Donna Aukland. I asked why those positions that were given to SEHSC staff were not posted internally for me or others to apply for and I did not receive an answer, even though Jeff Stenseth was in the meeting and would certainly know why his staff were just handed our duties. I was told that Donna would be giving us new job duties but there has been nothing so far and that the new duties would have nothing to do with anything that I had experience in. I am retiring in January (a little earlier than I intended because of this) and am very bitter that my 15 years with the state is ending this way. I know that the decisions that were made had nothing to do with my job performance because I was excellent in my position as everyone can attest to. What I would like from you is an explanation on how this can happen? How and why would I and others not have been able to at least apply for the job that was being taken away from us and just given to others with no notice? Is this a new direction the state is going in regards to how they treat state employees? Are you the person that can answer my questions or would it be legal or someone else? Your response will not change anything. I will retire in January but like I said, this has had an impact on my mental health and I feel that I am at least owed an explanation and should have asked for it months ago. Thank you Becky Savaloja Account Tech II Northeast Human Service Center
CC	doug@nd.gov, wstenehjem@nd.gov
Attachments	image001[15176].png

Record 975

Sender Name	Savaloja, Rebecca L.
Sender Email	rsavaloja@nd.gov
Recipients	mwuitschick@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov
Subject	RE: Question---are you going to reply or confirm receipt of below email?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:10:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:10:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:10:57.000 PM

Body	I have waited for Marcie to set a time to discuss concerns with me since December 22nd , as she suggested, with no response. Now I see she in on leave until the day I retire. I expect a call from someone regarding my concerns listed below before I retire. All of you have been very good at ignoring my issues and the issues of many, many other staff within the Dept of Human Services hoping they will quietly disappear. I know you are all very aware of the issues and chalking the way you are treating state employees, that have years of service, with never any complaint about their work, under the guise of "restructure" is inhumane or worse. If you are not part of the solution, you are part of the problem as the saying goes. Wayne, as a prior next door neighbor of yours in Grand Forks, I am including you in this email. 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But that does not mean that issues cannot be resolved by other means. I would add that when reorganizations occur, certain processes are handled differently, but still are required to be follow State and Federal employment laws. This reorganization would be no different. I'm not sure when your last day of work is, but would you have any time next week or the following week to connect and we can verbally walk through your concerns? **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 21, 2021 9:30 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Good Morning Marcie, I know from prior staff that grievances go nowhere and it almost always hurts the staff that files them. I did look at the grievance form and it said that it needed to be filed with 15 days of incident. 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If you can let me know those two pieces of information I will be able to make some determination as to next steps. **Marcie Wuitschick, SHRM-CP, PHR** Director, Human Resources ND Department of Human Services 701-328-1290 mwuitschick@nd.gov **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 07, 2021 8:46 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** FW: Question---are you going to reply or confirm receipt of below email? **From:** Savaloja, Rebecca L. **Sent:** Friday, December 3, 2021 3:13 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** Question Marcie— Something has been bothering me and I would like your input on it. The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. 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Attachments	image001[11774].png

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Becky, you are correct that I am out. I arranged for a colleague to contact you during my absence to discuss your concerns. Her name is Joanie Pesek and she is ccd on this email. I apologize if this email is duplicate - sending it from my phone.

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Record 977

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I know from prior staff that grievances go nowhere and it almost always hurts the staff that files them. I did look at the grievance form and it said that it needed to be filed with 15 days of incident. I am questioning what happened long after 15 days has past and just want a few answers before I retire. I have included others in this email because they need to know what is going on if they are not aware already. I am not going to personally talk to Jeff Stenseth or Donna Aukland about this because I am afraid of what they would potentially do to me.

In further clarification:

I received verbal notification in a meeting (no written notice) from Lynn Bingham with Jeff Stenseth present and a few other staff that were also having some minor duties removed. Again, Lynn apologized for not giving me more notice but said he was instructed not to! I just left Lynn Bingham's office and asked Lynn who he received the instruction from as far as giving me **no notice** that all my duties were being taken away. He said it was Donna Aukland. He said Donna, in meetings, told all business managers not to say anything to staff until they met with staff the end of July. The meeting occurred at the very end of July and I was told I was losing almost all of accounts payable duties immediately. There was another staff or two in the office that were also losing a few duties but I was the only one losing 90 percent or more along with others in my position in the state. I'm sure this was due to statewide reorganization. That is not the problem or the question. In the meeting it was said that some of my duties, going forward, were going to be required to be done by the business managers and the remainder was being given to two office assistants in SEHSC. I immediately asked why these 2 staff were just given all of my duties other than what the business manager was to do. Lynn Bingham threw out the response that their office was bigger or something to that effect, which of course I knew had nothing to do with anything. Jeff Stenseth sat there and said nothing regarding that.

My questions remain—

- **Why didn't the two office assistants have to apply for the jobs they got working on accounts payable for the whole state? Jobs that were taken from others statewide and just given to them? Is it not policy that these positions should have been opened up for me or others to have applied for if we wished? That is a question that I believe you would have the answer to Marcie.**
- **Why did I get such late notice that my job was disappearing. This, most likely, would be a question for Donna Aukland and Jeff Stenseth.**
- **Donna Aukland said there would be other duties to replace the ones I lost but I was never given anything? I do not know if my counterparts statewide were given new duties or not. Also please note that Lynn Bingham asked Donna several times, if I could help him out with duties given to him and Donna said No.**

I expect that Donna and Jeff will come up with excuses that in their minds they can justify. I however, think it is very sad what they, and possibly their superiors, are doing to so many employees within the state. Jeff Stenseth introduces himself at meetings as the person who they bring in to get rid of staff but that it is not true. I have heard him say this on more than one occasion as has everyone else here. You do not get a reputation for something that is not deserved so of course it is true. I am not certain that he was trying to get rid of me. I do think they were getting rid of my position but there has to be a better way of doing this other than devaluing people that have given many years of service to this state and offering them nothing in return as far as other duties, a buy out or whatever. There are many instances where staff have been treated so badly that they quit or retire but I can't and won't speak for others. All anyone has to do is look at the turnover to know this as a fact.

I do want my questions answered and this brought out in the open so hopefully going forward a better process can be in place that treats employees with dignity and respect. Neither of which I feel I was afforded. This is the reason unions are formed to protect employees from being treated the way I have been treated. I have never been a union member or even thought there was a need for unions prior to this but I am , unfortunately, realizing that there is a need.

Thank you
Becky Savaloja

From: Wuitschick, Marcie D. <mwuitschick@nd.gov>

Body	**Sent:** Monday, December 20, 2021 4:33 PM **To:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Hi Becky, Thank you for your email, as well as your patience as I have looked into this issue. Based on the information I've been able to ascertain, it appears there was a statewide reorganization that occurred which impacted many different positions. Unfortunately I don't have answers to your specific questions; however, I think it's important that you get them. I also want to assure that you are aware of the grievance policy and your rights under that policy I am not sure if you are inferring that you wish to file a grievance, but regardless, you should receive an answer to the questions you have posed. Can you please confirm for me who you have received what notifications from? That will help me determine next steps. My initial thought is that Jeff Stenseth should be able to answer some of your questions, as he is the senior leader within your chain of command, but I am not certain who you have already talked to or asked these questions of. Also, if you have received any notifications in writing please send those to me. Thank you, Becky, for the work that you do. If you can let me know those two pieces of information I will be able to make some determination as to next steps. **Marcie Wuitschick, SHRM-CP, PHR** **Director, Human Resources** **ND Department of Human Services** **701-328-1290** **mwuitschick@nd.gov** **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 07, 2021 8:46 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** FW: Question---are you going to reply or confirm receipt of below email? **From:** Savaloja, Rebecca L. **Sent:** Friday, December 3, 2021 3:13 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** Question Marcie— Something has been bothering me and I would like your input on it. The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. That it was not only me but also my counterparts in the other human service centers in the state. I was told that part of my accounts payable duties and others that had the same position as me, were going to be done by the Business Managers and the rest of it was going to 2 office assistants at SEHSC who would take over the remainder of our duties statewide. I was told that this decision was made by Donna Aukland. I asked why those positions that were given to SEHSC staff were not posted internally for me or others to apply for and I did not receive an answer, even though Jeff Stenseth was in the meeting and would certainly know why his staff were just handed our duties. I was told that Donna would be giving us new job duties but there has been nothing so far and that the new duties would have nothing to do with anything that I had experience in. I am retiring in January (a little earlier than I intended because of this) and am very bitter that my 15 years with the state is ending this way. I know that the decisions that were made had nothing to do with my job performance because I was excellent in my position as everyone can attest to. What I would like from you is an explanation on how this can happen? How and why would I and others not have been able to at least apply for the job that was being taken away from us and just given to others with no notice? Is this a new direction the state is going in regards to how they treat state employees? Are you the person that can answer my questions or would it be legal or someone else? Your response will not change anything. I will retire in January but like I said, this has had an impact on my mental health and I feel that I am at least owed an explanation and should have asked for it months ago. Thank you Becky Savaloja Account Tech II Northeast Human Service Center
CC	doug@nd.gov, wstenehjem@nd.gov
Attachments	image001[11781].png

Record 978

Sender Name	Savaloja, Rebecca L.
Sender Email	rsavaloja@nd.gov
Recipients	mwuitschick@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov, jpesek@nd.gov
Subject	RE: Question---are you going to reply or confirm receipt of below email?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:25:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:25:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:25:07.000 PM

Body	Joan— Joan I know you are in no position to help me as I have checked your job classification. This is in no way a reflection on you and you have every right to be upset that this is being put on you. It looks like I will need to go outside the Department of Human Services to get anything done. Thank you anyway. Becky Savaloja --- **From:** Savaloja, Rebecca L. **Sent:** Friday, January 7, 2022 3:08 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov>; Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>; Pesek, Joan <jpesek@nd.gov> **Cc:** Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? I have told you the questions many times but you want to turn your head like everyone else and dish difficult things off. Why would I reach out to Jeff or Donna when they are the problem. Enjoy your time off. --- **From:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Sent:** Friday, January 7, 2022 3:02 PM **To:** Savaloja, Rebecca L. <rsavaloja@nd.gov>; Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>; Pesek, Joan <jpesek@nd.gov> **Cc:** Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Question---are you going to reply or confirm receipt of below email? Becky, you are correct that I am out. I arranged for a colleague to contact you during my absence to discuss your concerns. Her name is Joanie Pesek and she is ccd on this email. I apologize if this email is duplicate - sending it from my phone. I would again encourage you to follow your chain of command. You also have the employee grievance process available to you. In a previous message you suggested that I talk to Donna Aukland and Jeff Stenseth. I do not know all of the questions you have. It would be most appropriate for you to start with Jeff as I believe he is next in your chain of command, but you have refused to do that . Joanie will be reaching out to you. Get Outlook for iOS --- **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Friday, January 7, 2022 2:10:56 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov>; Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov> **Cc:** Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? I have waited for Marcie to set a time to discuss concerns with me since December 22nd , as she suggested, with no response. Now I see she in on leave until the day I retire. I expect a call from someone regarding my concerns listed below before I retire. All of you have been very good at ignoring my issues and the issues of many, many other staff within the Dept of Human Services hoping they will quietly disappear. I know you are all very aware of the issues and chalking the way you are treating state employees, that have years of service, with never any complaint about their work, under the guise of "restructure" is inhumane or worse. If you are not part of the solution, you are part of the problem as the saying goes. Wayne, as a prior next door neighbor of yours in Grand Forks, I am including you in this email. I wonder if you have any idea what has been going on in the Department of Human Services for the past while and all the staff that are quitting because of the way they (we) are being treated? I truly believe things need to be looked into very deeply.....starting of course at the top. Becky Savaloja Account Tech II --- **From:** Savaloja, Rebecca L. **Sent:** Tuesday, January 4, 2022 8:56 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Marci— I have not heard from you regarding a time to verbally discuss. Please talk to Donna and Jeff before we talk. If there is one thing I am certain of, it is that laws were broken in not posting the positions given to two Fargo staff for accounts payable entry statewide. Things are in self destruct mode here at NEHSC which in the end will be good overall for anyone that ends of staying at NEHSC going forward. If anyone does stay. Becky

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Sent: Wednesday, December 22, 2021 1:45 PM
To: Savaloja, Rebecca L. <rsavaloja@nd.gov>
Cc: Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
Subject: RE: Question---are you going to reply or confirm receipt of below email?

Thank you for the response Becky. I understand that you are frustrated and I do want to assure that your questions are answered, even though your concerns go back farther than 15 days. In order to look into what your questions are, discussion will need to be held with Jeff Stenseth and Donna Aukland. As you point out, the grievance process is a written process with specific time limits governed by Century Code and Administrative Rule. But that does not mean that issues cannot be resolved by other means.

I would add that when reorganizations occur, certain processes are handled differently, but still are required to be follow State and Federal employment laws. This reorganization would be no different.

I'm not sure when your last day of work is, but would you have any time next week or the following week to connect and we can verbally walk through your concerns?

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Sent: Tuesday, December 21, 2021 9:30 AM
To: Wuitschick, Marcie D. <mwuitschick@nd.gov>
Cc: Alm, Jonathan E. <jealm@nd.gov>; Strebe, Arnold <astrebe@nd.gov>; Jones, Chris D. <cdjones@nd.gov>
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Body	Thank you Becky Savaloja **From:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Sent:** Monday, December 20, 2021 4:33 PM **To:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Hi Becky, Thank you for your email, as well as your patience as I have looked into this issue. Based on the information I've been able to ascertain, it appears there was a statewide reorganization that occurred which impacted many different positions. Unfortunately I don't have answers to your specific questions; however, I think it's important that you get them. I also want to assure that you are aware of the grievance policy and your rights under that policy I am not sure if you are inferring that you wish to file a grievance, but regardless, you should receive an answer to the questions you have posed. Can you please confirm for me who you have received what notifications from? That will help me determine next steps. My initial thought is that Jeff Stenseth should be able to answer some of your questions, as he is the senior leader within your chain of command, but I am not certain who you have already talked to or asked these questions of. Also, if you have received any notifications in writing please send those to me. Thank you, Becky, for the work that you do. If you can let me know those two pieces of information I will be able to make some determination as to next steps. **Marcie Wuitschick, SHRM-CP, PHR** **Director, Human Resources** **ND Department of Human Services** **701-328-1290** **mwuitschick@nd.gov** **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 07, 2021 8:46 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** FW: Question---are you going to reply or confirm receipt of below email? **From:** Savaloja, Rebecca L. **Sent:** Friday, December 3, 2021 3:13 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** Question Marcie— Something has been bothering me and I would like your input on it. The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. That it was not only me but also my counterparts in the other human service centers in the state. I was told that part of my accounts payable duties and others that had the same position as me, were going to be done by the Business Managers and the rest of it was going to 2 office assistants at SEHSC who would take over the remainder of our duties statewide. I was told that this decision was made by Donna Aukland. I asked why those positions that were given to SEHSC staff were not posted internally for me or others to apply for and I did not receive an answer, even though Jeff Stenseth was in the meeting and would certainly know why his staff were just handed our duties. I was told that Donna would be giving us new job duties but there has been nothing so far and that the new duties would have nothing to do with anything that I had experience in. I am retiring in January (a little earlier than I intended because of this) and am very bitter that my 15 years with the state is ending this way. I know that the decisions that were made had nothing to do with my job performance because I was excellent in my position as everyone can attest to. What I would like from you is an explanation on how this can happen? How and why would I and others not have been able to at least apply for the job that was being taken away from us and just given to others with no notice? Is this a new direction the state is going in regards to how they treat state employees? Are you the person that can answer my questions or would it be legal or someone else? Your response will not change anything. I will retire in January but like I said, this has had an impact on my mental health and I feel that I am at least owed an explanation and should have asked for it months ago. Thank you Becky Savaloja Account Tech II Northeast Human Service Center
CC	doug@nd.gov, wstenehjem@nd.gov
Attachments	image001[15183].png

Record 979

Sender Name	Savaloja, Rebecca L.
Sender Email	rsavaloja@nd.gov
Recipients	mwuitschick@nd.gov, jealm@nd.gov, astrebe@nd.gov, cdjones@nd.gov, jpesek@nd.gov
Subject	RE: Question---are you going to reply or confirm receipt of below email?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 3:25:07.000 PM
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My questions remain—

- **Why didn't the two office assistants have to apply for the jobs they got working on accounts payable for the whole state? Jobs that were taken from others statewide and just given to them? Is it not policy that these positions should have been opened up for me or others to have applied for if we wished? That is a question that I believe you would have the answer to Marcie.**
- **Why did I get such late notice that my job was disappearing. This, most likely, would be a question for Donna Aukland and Jeff Stenseth.**
- **Donna Aukland said there would be other duties to replace the ones I lost but I was never given anything? I do not know if my counterparts statewide were given new duties or not. Also please note that Lynn Bingham asked Donna several times, if I could help him out with duties given to him and Donna said No.**

I expect that Donna and Jeff will come up with excuses that in their minds they can justify. However, think it is very sad what they, and possibly their superiors, are doing to so many employees within the state. Jeff Stenseth introduces himself at meetings as the person who they bring in to get rid of staff but that it is not true. I have heard him say this on more than one occasion as has everyone else here. You do not get a reputation for something that is not deserved so of course it is true. I am not certain that he was trying to get rid of me. I do think they were getting rid of my position but there has to be a better way of doing this other than devaluing people that have given many years of service to this state and offering them nothing in return as far as other duties, a buy out or whatever. There are many instances where staff have been treated so badly that they quit or retire but I can't and won't speak for others. All anyone has to do is look at the turnover to know this as a fact.

I do want my questions answered and this brought out in the open so hopefully going forward a better process can be in place that treats employees with dignity and respect. Neither of which I feel I was afforded. This is the reason unions are formed to protect employees from being treated the way I have been treated. I have never been a union member or even thought there was a need for unions prior to this but I am , unfortunately, realizing that there is a need.

Body	Thank you Becky Savaloja **From:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Sent:** Monday, December 20, 2021 4:33 PM **To:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Subject:** RE: Question---are you going to reply or confirm receipt of below email? Hi Becky, Thank you for your email, as well as your patience as I have looked into this issue. Based on the information I've been able to ascertain, it appears there was a statewide reorganization that occurred which impacted many different positions. Unfortunately I don't have answers to your specific questions; however, I think it's important that you get them. I also want to assure that you are aware of the grievance policy and your rights under that policy I am not sure if you are inferring that you wish to file a grievance, but regardless, you should receive an answer to the questions you have posed. Can you please confirm for me who you have received what notifications from? That will help me determine next steps. My initial thought is that Jeff Stenseth should be able to answer some of your questions, as he is the senior leader within your chain of command, but I am not certain who you have already talked to or asked these questions of. Also, if you have received any notifications in writing please send those to me. Thank you, Becky, for the work that you do. If you can let me know those two pieces of information I will be able to make some determination as to next steps. **Marcie Wuitschick, SHRM-CP, PHR** **Director, Human Resources** **ND Department of Human Services** **701-328-1290** **mwuitschick@nd.gov** **From:** Savaloja, Rebecca L. <rsavaloja@nd.gov> **Sent:** Tuesday, December 07, 2021 8:46 AM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** FW: Question---are you going to reply or confirm receipt of below email? **From:** Savaloja, Rebecca L. **Sent:** Friday, December 3, 2021 3:13 PM **To:** Wuitschick, Marcie D. <mwuitschick@nd.gov> **Subject:** Question Marcie— Something has been bothering me and I would like your input on it. The end of July, I was told by my supervisor that I would be losing most of my job duties immediately the next day and he told me he was sorry he did not give me more notice but that he was instructed not to. That it was not only me but also my counterparts in the other human service centers in the state. I was told that part of my accounts payable duties and others that had the same position as me, were going to be done by the Business Managers and the rest of it was going to 2 office assistants at SEHSC who would take over the remainder of our duties statewide. I was told that this decision was made by Donna Aukland. I asked why those positions that were given to SEHSC staff were not posted internally for me or others to apply for and I did not receive an answer, even though Jeff Stenseth was in the meeting and would certainly know why his staff were just handed our duties. I was told that Donna would be giving us new job duties but there has been nothing so far and that the new duties would have nothing to do with anything that I had experience in. I am retiring in January (a little earlier than I intended because of this) and am very bitter that my 15 years with the state is ending this way. I know that the decisions that were made had nothing to do with my job performance because I was excellent in my position as everyone can attest to. What I would like from you is an explanation on how this can happen? How and why would I and others not have been able to at least apply for the job that was being taken away from us and just given to others with no notice? Is this a new direction the state is going in regards to how they treat state employees? Are you the person that can answer my questions or would it be legal or someone else? Your response will not change anything. I will retire in January but like I said, this has had an impact on my mental health and I feel that I am at least owed an explanation and should have asked for it months ago. Thank you Becky Savaloja Account Tech II Northeast Human Service Center
CC	doug@nd.gov, wstenehjem@nd.gov
Attachments	image001[11782].png

Record 980

Sender Name	Langholz, Sam
Sender Email	Sam.Langholz@ag.iowa.gov
Subject	OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:34:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:34:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:34:29.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 I Direct: (515) 281-8583 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[14986].png

Record 981

Sender Name	Langholz, Sam
Sender Email	Sam.Langholz@ag.iowa.gov
Subject	OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:34:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:34:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:34:29.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 I Direct: (515) 281-8583 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[11551].png

Record 982

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com

Recipients	wstenehjem@nd.gov
Subject	Puerto Rico's Bankruptcy Approved After Struggle With Massive Debt
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 1:49:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 1:49:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 1:49:17.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 983

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Puerto Rico's Bankruptcy Approved After Struggle With Massive Debt
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 1:49:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 1:49:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 1:49:17.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 984

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Political Polarization Impeded Public Support for COVID-19 Response
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:59:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:59:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:59:32.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 985

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Political Polarization Impeded Public Support for COVID-19 Response
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:59:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:59:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 1:59:32.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 986

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	House Democrats Release Mammoth Plan for Boosting Competition With China
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:40:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:40:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:40:33.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Body	

Record 987

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	House Democrats Release Mammoth Plan for Boosting Competition With China
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:40:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:40:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 2:40:33.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Body	

Record 988

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Cyberthreats Accompany Buildup of Russian Troops Near Ukraine
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 1:50:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 1:49:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 1:50:02.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 989

Sender Name	The Well News
Sender Email	sbtw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Biden Lends Support to Reviving Women's Equal Rights Amendment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:55:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:55:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/28/2022 1:55:20.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Body	

Record 990

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: January and February Oral Arguments at the Supreme Court of the U.S...
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 9:57:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 9:57:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 9:57:38.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Paul M. Seby Tel 303.572.6584 **From:** Denise McNerney <dmcnerney@supremecourt.gov> **Sent:** Friday, December 10, 2021 8:44 AM **To:** 'bgowdy@appellate-firm.com' <bgowdy@appellate-firm.com>; 'Henry.Whitaker@myfloridalegal.com' <Henry.Whitaker@myfloridalegal.com>; 'pshah@akingump.com' <pshah@akingump.com>; 'melissa.sherry@lw.com' <melissa.sherry@lw.com>; 'court@lc.org' <court@lc.org>; 'robert.arcangeli@boston.gov' <robert.arcangeli@boston.gov>; 'dboies@bsfllp.com' <dboies@bsfllp.com>; 'sandre@nixonpeabody.com' <sandre@nixonpeabody.com>; 'ccooper@cooperkirk.com' <ccooper@cooperkirk.com>; 'brant.martin@wickphillips.com' <brant.martin@wickphillips.com>; 'Lanora Pettit' <Lanora.Pettit@oag.texas.gov>; 'lrobbins@robbinsrussell.com' <lrobbins@robbinsrussell.com>; 'bbrindley@brindleylaw.com' <bbrindley@brindleylaw.com>; 'Lindsay S. See' <lindsay.s.see@wvago.gov>; 'Tseytlin, Misha' <misha.tseytlin@troutman.com>; 'elin@HuntonAK.com' <elin@huntonak.com>; 'eschilling@hollandhart.com' <eschilling@hollandhart.com>; 'bbrinkmann@cov.com' <bbrinkmann@cov.com>; 'B. UNDERWOOD' <Barbara.Underwood@ag.ny.gov>; 'steven.wu@ag.ny.gov' <steven.wu@ag.ny.gov>; 'Sean Donahue' <sean@donahuegoldberg.com>; 'Roth, Yaakov M.' <yroth@jonesday.com>; 'Grossman, Andrew M' <agrossman@bakerlaw.com>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; 'jjkulewicz@vorys.com' <jjkulewicz@vorys.com>; 'Waxman, Seth' <Seth.Waxman@wilmerhale.com>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'sara.eisenberg@sfcityatty.org' <sara.eisenberg@sfcityatty.org>; 'helen.hong@doj.ca.gov' <helen.hong@doj.ca.gov>; 'noahp@atg.wa.gov' <noahp@atg.wa.gov>; 'teri@duncanearnest.com' <teri@duncanearnest.com> **Cc:** Scott Harris <sharris@supremecourt.gov> **Subject:** RE: January and February Oral Arguments at the Supreme Court of the U.S... **Importance:** High ***EXTERNAL TO GT*** I can now confirm that the Court will continue to permit only the arguing counsel and one co-counsel each to be present in the Courtroom for each argument, and no other individuals (i.e., clients, attorneys, guests, etc.) will be permitted into the Court building on argument days. The Court will require COVID testing for each attorney scheduled to be in the Courtroom and remote participation will be available for those who may test positive. Information regarding the testing the Court will provide for will be sent to you shortly. Thank you for your cooperation and understanding. Regards, *Denise McNerney* Merits Cases Clerk Office of the Clerk, Supreme Court U.S. (202) 479-3032 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 991

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, maiolson@nd.gov
Subject	FW: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 5:12:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 5:12:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 5:12:49.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** North Dakota's Opening Merits Brief has now been filed with the US Supreme Court and served on all other counsel of record. I will have printed hard copies of the ND Brief for you in the near future and I will forward electronic copies of all other briefs filed today once all served. Thanks Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Sent:** Monday, December 13, 2021 4:02 PM **To:** agrossman@bakerlaw.com; yroth@JonesDay.com; bbrinkmann@cov.com; sean@donahuegoldberg.com; elin@HuntonAK.com; SupremeCtBriefs@USDOJ.gov; ECSchilling@hollandhart.com; misha.tseytlin@troutman.com; Barbara.underwood@ag.ny.gov; Brett.Nolan@ky.gov; chad.meredith@ky.gov; mnasi@jw.com; steven.wu@ag.ny.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; caleb.a.seckman@wvago.gov; Tina Van Bockern <TRVanBockern@hollandhart.com> **Cc:** Tieslau, Matt (Assoc-DEN-Env) <tieslaum@gtlaw.com> **Subject:** No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA) All - Attached please find the Opening Merits Brief of Petitioner North Dakota in *West Virginia et al v. EPA*, No. 20-1530 (North Dakota's original petition in 20-1780). I have also attached a certificate of compliance and affidavit of service, which we filed (along with the brief) today with the Supreme Court. Regards Paul Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, lbrocker@nd.gov
Attachments	16008.pdf, 16009.pdf, 16007.pdf

Record 992

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, maiolson@nd.gov
Subject	FW: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 5:12:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 5:12:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 5:12:49.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** North Dakota's Opening Merits Brief has now been filed with the US Supreme Court and served on all other counsel of record. I will have printed hard copies of the ND Brief for you in the near future and I will forward electronic copies of all other briefs filed today once all served. Thanks Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Sent:** Monday, December 13, 2021 4:02 PM **To:** agrossman@bakerlaw.com; yroth@JonesDay.com; bbrinkmann@cov.com; sean@donahuegoldberg.com; elin@HuntonAK.com; SupremeCtBriefs@USDOJ.gov; ECSchilling@hollandhart.com; misha.tseytlin@troutman.com; Barbara.underwood@ag.ny.gov; Brett.Nolan@ky.gov; chad.meredith@ky.gov; mnasi@jw.com; steven.wu@ag.ny.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; caleb.a.seckman@wvago.gov; Tina Van Bockern <TRVanBockern@hollandhart.com> **Cc:** Tieslau, Matt (Assoc-DEN-Env) <tieslaum@gtlaw.com> **Subject:** No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA) All - Attached please find the Opening Merits Brief of Petitioner North Dakota in *West Virginia et al v. EPA*, No. 20-1530 (North Dakota's original petition in 20-1780). I have also attached a certificate of compliance and affidavit of service, which we filed (along with the brief) today with the Supreme Court. Regards Paul Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, lbrocker@nd.gov
Attachments	12650.pdf, 12651.pdf, 12649.pdf

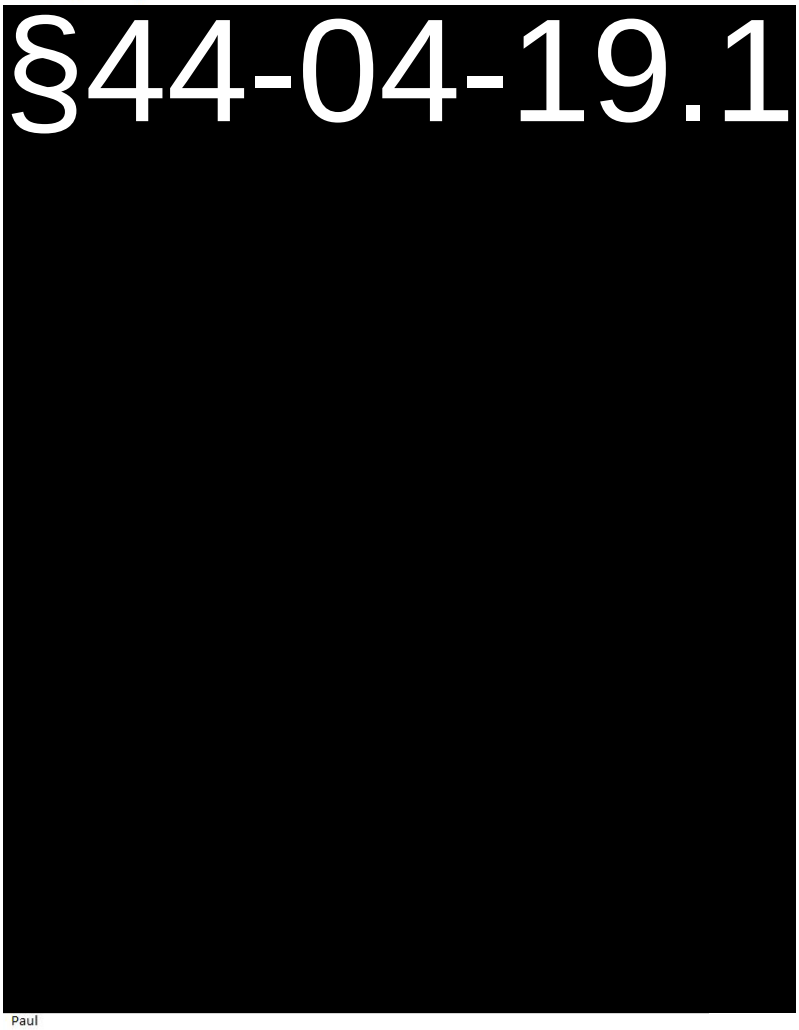
Record 993

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:31:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:31:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:31:40.000 PM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne, Maggie & Jen-



Paul

Paul M. Seby
Tel 303.572.6584

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 8, 2021 10:04 AM
To: Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>

Body	**Subject:** Re: Revised Definition of "Waters of the United States" §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 12:00:35 PM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	jverleger@nd.gov

Record 994

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:31:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:31:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 2:31:40.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne, Maggie & Jen-

§44-04-19.1 [redacted]

Paul

Paul M. Seby
Tel 303.572.6584

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 8, 2021 10:04 AM
To: Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>

Body	**Subject:** Re: Revised Definition of "Waters of the United States" §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 12:00:35 PM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	jverleger@nd.gov

Record 995

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	jverleger@nd.gov, wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 3:22:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 3:22:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 3:22:35.000 PM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

From: Verleger, Jennifer L. <jverleger@nd.gov>
Sent: Tuesday, December 14, 2021 1:52 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

Paul:

§44-04-19.1

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, December 14, 2021 2:32 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

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Wayne, Maggie & Jen-

§44-04-19.1

Body	§44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 10:04 AM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 12:00:35 PM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 996

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	jverleger@nd.gov, wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 3:22:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 3:22:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 3:22:35.000 PM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

From: Verleger, Jennifer L. <jverleger@nd.gov>
Sent: Tuesday, December 14, 2021 1:52 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

Paul:

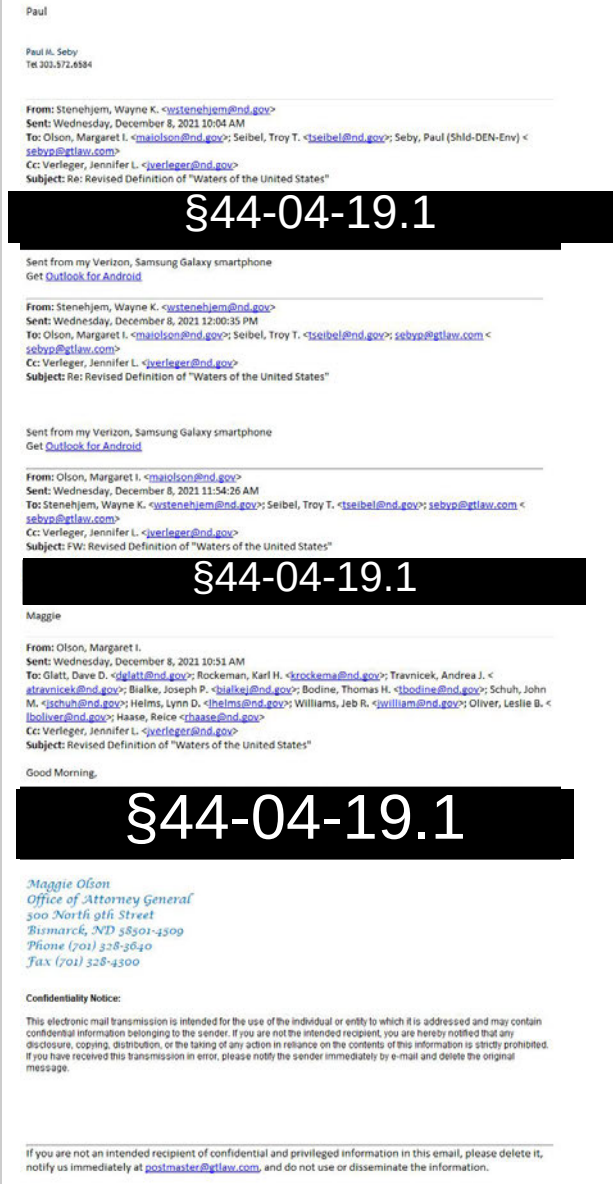
§44-04-19.1

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, December 14, 2021 2:32 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne, Maggie & Jen-

§44-04-19.1

Body	§44-04-19.1 

Paul

Paul M. Seby
Tel 303.572.6584

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 8, 2021 10:04 AM
To: Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: Re: Revised Definition of "Waters of the United States"

§44-04-19.1

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 8, 2021 12:00:35 PM
To: Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: Re: Revised Definition of "Waters of the United States"

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Olson, Margaret I. <maiolson@nd.gov>
Sent: Wednesday, December 8, 2021 11:54:26 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: FW: Revised Definition of "Waters of the United States"

§44-04-19.1

Maggie

From: Olson, Margaret I.
Sent: Wednesday, December 8, 2021 10:51 AM
To: Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov>
Cc: Verleger, Jennifer L. <jverleger@nd.gov>
Subject: Revised Definition of "Waters of the United States"

Good Morning,

§44-04-19.1

Maggie Olson
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Phone (701) 328-3640
Fax (701) 328-4300

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 997

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	jverleger@nd.gov, wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	ND v EPA/Corps - WOTUS case DRAFT Status Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:49:36.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:49:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:49:37.000 PM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne, Maggie & Jen-

§44-04-19.1

Thank you,

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Tuesday, December 14, 2021 2:22 PM
To: 'Verleger, Jennifer L.' <jverleger@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

Body

From: Verleger, Jennifer L. <jverleger@nd.gov>
Sent: Tuesday, December 14, 2021 1:52 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

Paul:

§44-04-19.1

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, December 14, 2021 2:32 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
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Wayne, Maggie & Jen-

§44-04-19.1

Paul

Body	Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 10:04 AM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 12:00:35 PM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	16001.docx

Record 998

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	jverleger@nd.gov, wstenehjem@nd.gov, maiolson@nd.gov, tseibel@nd.gov
Subject	ND v EPA/Corps - WOTUS case DRAFT Status Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:49:36.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:49:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 12:49:37.000 PM

Body

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Wayne, Maggie & Jen-

§44-04-19.1

Thank you,

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Tuesday, December 14, 2021 2:22 PM
To: 'Verleger, Jennifer L.' <jverleger@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Revised Definition of "Waters of the United States"

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

Body

From: Verleger, Jennifer L. <jverleger@nd.gov>
Sent: Tuesday, December 14, 2021 1:52 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
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Wayne, Maggie & Jen-

§44-04-19.1

Paul

Body	Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 10:04 AM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 12:00:35 PM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	12643.docx

Record 999

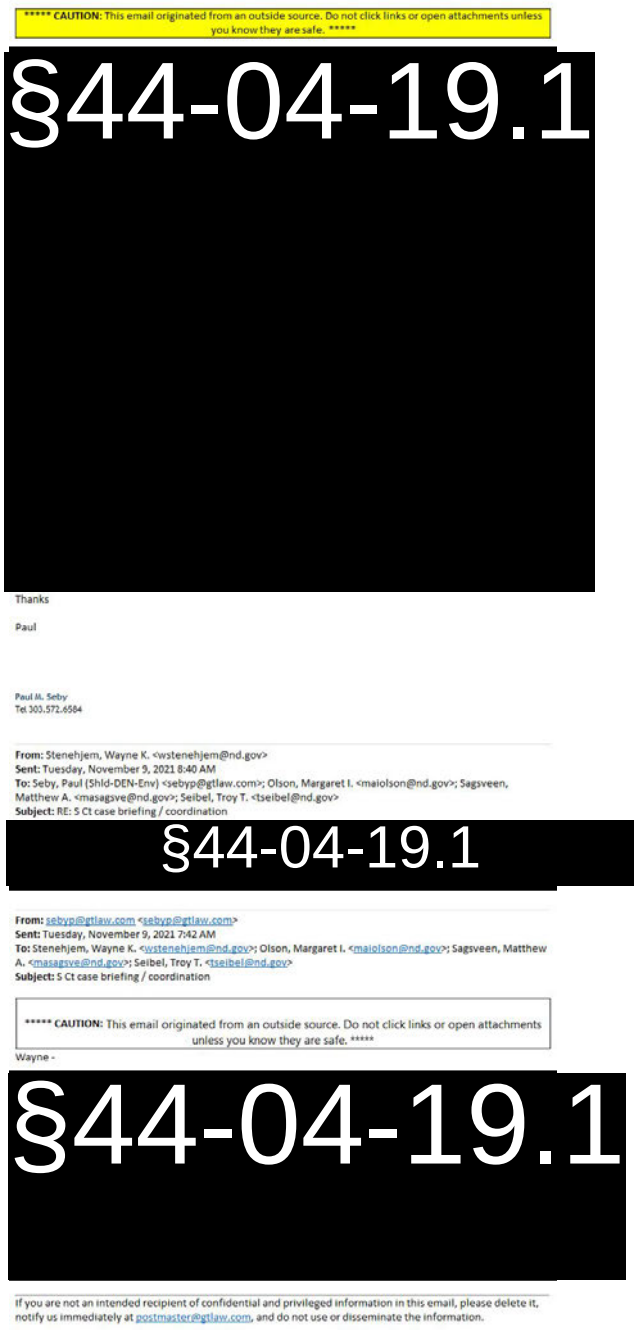
Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	Deposition of James Startzell- US Army Corps
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 5:31:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:37:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 5:32:00.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	15974.PDF, 15973.PDF, 15972.PDF, 15971.PDF, 15970.PDF, 15969.PDF, 15968.PDF

Record 1000

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	Deposition of James Startzell- US Army Corps
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 5:31:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:37:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 5:32:00.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	12616.PDF, 12615.PDF, 12614.PDF, 12613.PDF, 12612.PDF, 12611.PDF, 12610.PDF

Record 1001

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, maiolson@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: S Ct case briefing / coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:41:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:41:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:41:28.000 PM
Body	

Record 1002

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, maiolson@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: S Ct case briefing / coordination

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:41:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:41:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 5:41:28.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thanks Paul Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 9, 2021 8:40 AM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Olson, Margaret I. <maiolson@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: S Ct case briefing / coordination §44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, November 9, 2021 7:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct case briefing / coordination ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne - §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1003

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	FW: Supreme Court Electronic Filing System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:11:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:11:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:11:29.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1004

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	FW: Supreme Court Electronic Filing System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:11:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:11:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 3:11:29.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1005

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Supreme Court Electronic Filing System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:42.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Apologies- my email earlier misstated the date as Feb 22. The correct date is February 28th . The Court's website now shows the consolidated cases are the only argument set for February 28th **Oral Arguments** **Week of Monday, February 28** **Monday, February 28** West Virginia v. EPA (20-1530) North American Coal Corp. v. EPA (20-1531) Westmoreland Mining Holdings v. EPA (20-1778) North Dakota v. EPA (20-1780) *Consolidated* Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Friday, December 17, 2021 2:11 PM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1006

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Supreme Court Electronic Filing System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:42.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Apologies- my email earlier misstated the date as Feb 22. The correct date is February 28th . The Court's website now shows the consolidated cases are the only argument set for February 28th **Oral Arguments** **Week of Monday, February 28** **Monday, February 28** West Virginia v. EPA (20-1530) North American Coal Corp. v. EPA (20-1531) Westmoreland Mining Holdings v. EPA (20-1778) North Dakota v. EPA (20-1780) *Consolidated* Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Friday, December 17, 2021 2:11 PM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1007

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: NAAG moot
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:36:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:36:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:36:35.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Paul M. Seby Tel 303.572.6584 **From:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Sent:** Friday, December 17, 2021 3:35 PM **To:** yroth@jonesday.com; Grossman, Andrew M <agrossman@bakerlaw.com>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; DeLaquil, Mark <mdelaquil@bakerlaw.com> **Subject:** NAAG moot ***EXTERNAL TO GT*** Let me know if any conflicts with a potential NAAG moot morning of 2/24. I'll be talking with them more on Monday about their processes when States are on both sides of the v., but they also put on a good moot. **Lindsay See** *Solicitor General* Office of the West Virginia Attorney General State Capitol, Bldg 1, Room E-26 Charleston, WV 25305 (681) 313-4550 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1008

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: NAAG moot
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:36:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:36:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:36:35.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Paul M. Seby Tel 303.572.6584 **From:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Sent:** Friday, December 17, 2021 3:35 PM **To:** yroth@jonesday.com; Grossman, Andrew M <agrossman@bakerlaw.com>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; DeLaquil, Mark <mdelaquil@bakerlaw.com> **Subject:** NAAG moot ***EXTERNAL TO GT*** Let me know if any conflicts with a potential NAAG moot morning of 2/24. I'll be talking with them more on Monday about their processes when States are on both sides of the v., but they also put on a good moot. **Lindsay See** *Solicitor General* Office of the West Virginia Attorney General State Capitol, Bldg 1, Room E-26 Charleston, WV 25305 (681) 313-4550 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1009

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	FW: North Dakota v. USA - Agenda for Conferral Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 4:29:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 4:29:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 4:29:43.000 PM
Body	

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Thursday, December 23, 2021 3:20 PM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: North Dakota v. USA - Agenda for Conferral Call

Jane -

[redacted]

Regards

Paul M. Seby
Tel 303.572.6584

From: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>
Sent: Tuesday, December 21, 2021 5:40 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: RE: North Dakota v. USA - Agenda for Conferral Call

EXTERNAL TO GT
Hi Paul and Paul,

[redacted]

Body	§44-04-19.1

Body	§44-04-19.1 Best, Jane **From:** Bobet, Jane (USACO) **Sent:** Monday, December 20, 2021 8:57 AM **To:** 'sebyp@gtlaw.com' <sebyp@gtlaw.com> **Cc:** Kellogg, Ian (USACO) <ikellogg@usa.doj.gov>; Stigall, Corin (USACO) [Contractor] <CStigall@usa.doj.gov> **Subject:** North Dakota v. USA - Agenda for Conferral Call Paul, §44-04-19.1 Best, Jane **Jane E. Bobet** Assistant United States Attorney United States Attorney's Office | District of Colorado 1801 California Street, Suite 1600 Denver, CO 80202 Phone: (303) 454-0185 Email: jane.bobet@usdoj.gov If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1010

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	FW: North Dakota v. USA - Agenda for Conferral Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 4:29:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 4:29:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 4:29:43.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Thursday, December 23, 2021 3:20 PM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: North Dakota v. USA - Agenda for Conferral Call

Jane -

§44-04-19.1

Regards

Paul M. Seby
Tel 303.572.6584

From: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>
Sent: Tuesday, December 21, 2021 5:40 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: RE: North Dakota v. USA - Agenda for Conferral Call

EXTERNAL TO GT
Hi Paul and Paul,

§44-04-19.1

Body	§44-04-19.1

Body	§44-04-19.1 Best, Jane **From:** Bobet, Jane (USACO) **Sent:** Monday, December 20, 2021 8:57 AM **To:** 'sebyp@gtlaw.com' <sebyp@gtlaw.com> **Cc:** Kellogg, Ian (USACO) <ikellogg@usa.doj.gov>; Stigall, Corin (USACO) [Contractor] <CStigall@usa.doj.gov> **Subject:** North Dakota v. USA - Agenda for Conferral Call Paul, §44-04-19.1 Best, Jane **Jane E. Bobet** Assistant United States Attorney United States Attorney's Office | District of Colorado 1801 California Street, Suite 1600 Denver, CO 80202 Phone: (303) 454-0185 Email: jane.bobet@usdoj.gov If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1011

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	State of North Dakota_s Notice of Pertinent Authority
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:30:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:30:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:30:50.000 PM

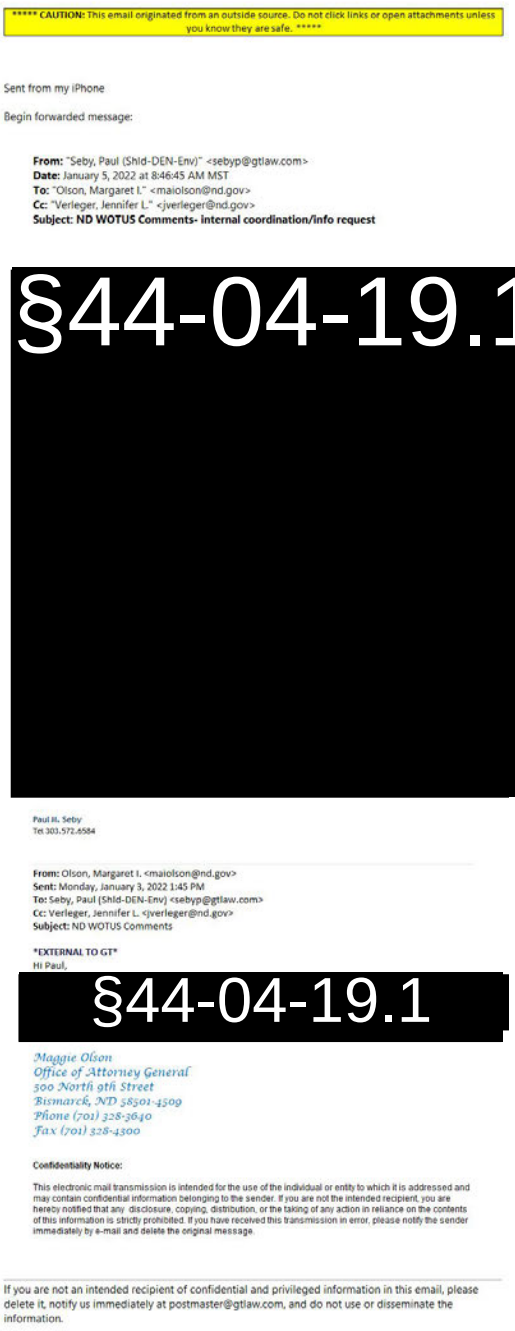
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne Judge Traynor Order from last Thursday is attached to the ND Notice. Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	15933.pdf

Record 1012

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	State of North Dakota_s Notice of Pertinent Authority
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:30:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:30:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:30:50.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne Judge Traynor Order from last Thursday is attached to the ND Notice. Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	12569.pdf

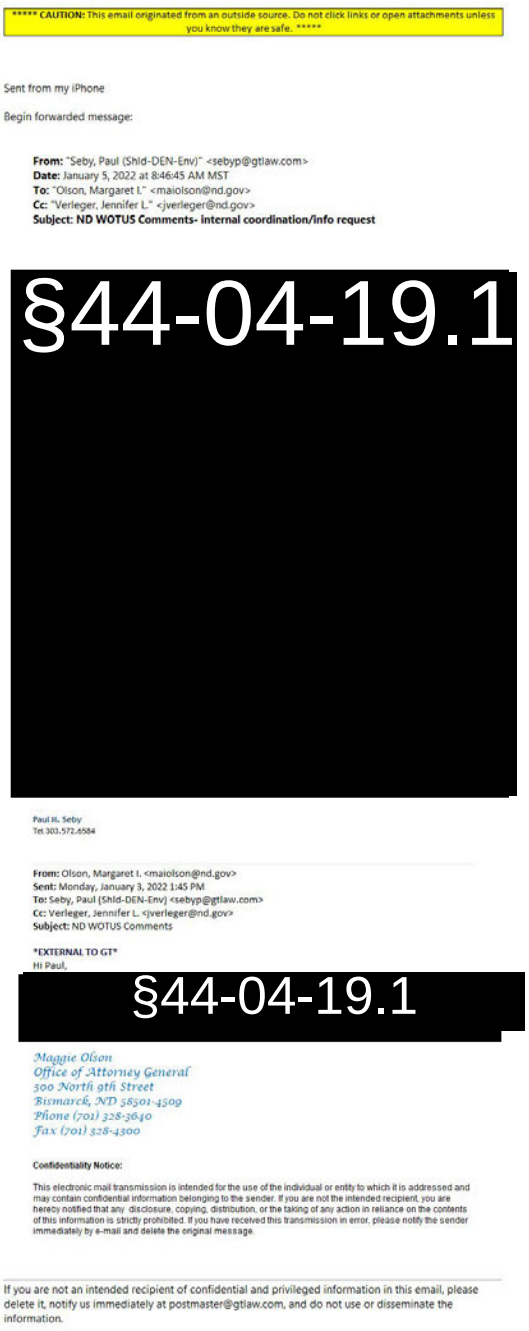
Record 1013

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: ND WOTUS Comments- internal coordination/info request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:50:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:50:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:50:15.000 AM

Body	

Record 1014

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, tseibel@nd.gov
Subject	Fwd: ND WOTUS Comments- internal coordination/info request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:50:15.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:50:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:50:15.000 AM

Body	

Record 1015

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	RE: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:59.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 6, 2022 11:25 AM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: S Ct Oral Argum- draft email to Petitioners counsel [redacted] **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne- §44-04-19.1 [redacted] Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1016

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	RE: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:26:59.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 6, 2022 11:25 AM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: S Ct Oral Argum- draft email to Petitioners counsel §44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne- §44-04-19.1 Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1017

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	RE: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 10:32:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 10:32:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 10:32:27.000 AM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne –

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Thursday, January 6, 2022 11:27 AM
To: 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: S Ct Oral Argum- draft email to Petitioners counsel

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, January 6, 2022 11:25 AM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: S Ct Oral Argum- draft email to Petitioners counsel

§44-04-19.1

Body	**From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne- Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1018

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	RE: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 10:32:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 10:32:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 10:32:27.000 AM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne –

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

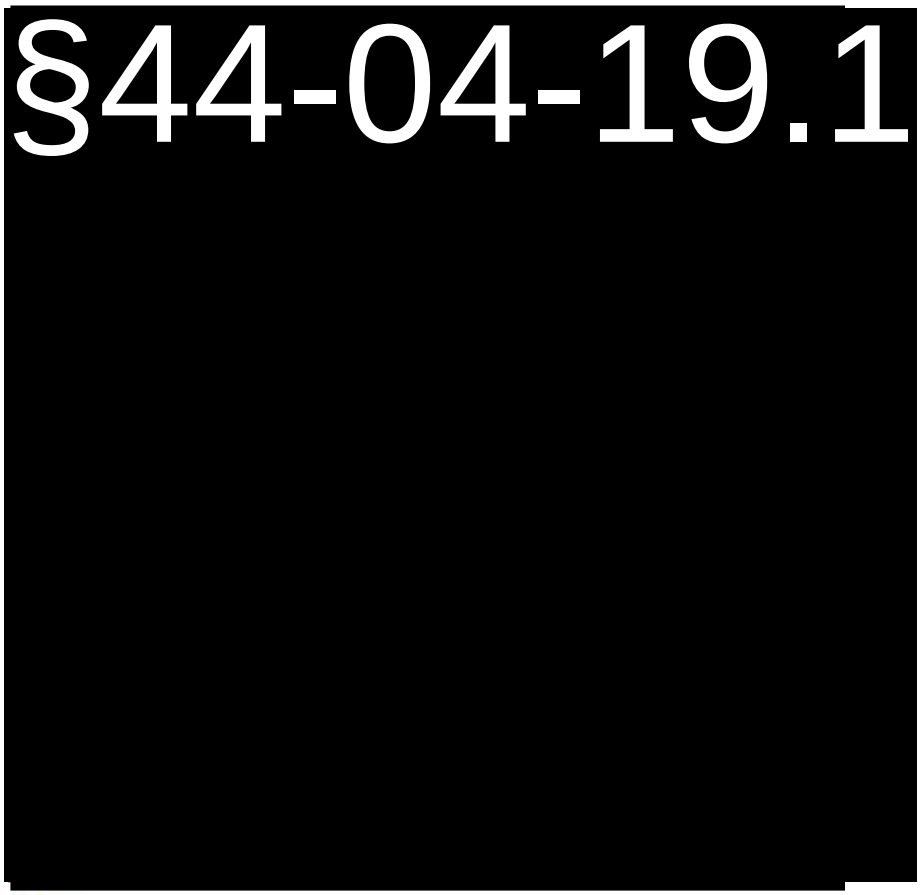
From: Seby, Paul (Shld-DEN-Env)
Sent: Thursday, January 6, 2022 11:27 AM
To: 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: S Ct Oral Argum- draft email to Petitioners counsel

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, January 6, 2022 11:25 AM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: S Ct Oral Argum- draft email to Petitioners counsel

§44-04-19.1

Body	**From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne-  Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

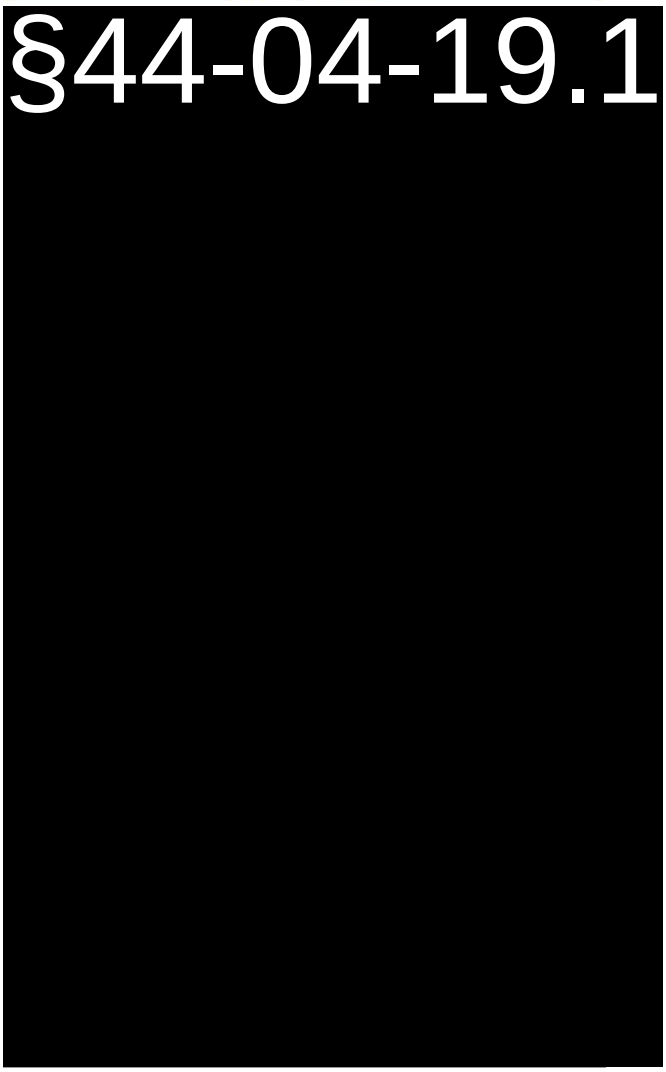
Record 1019

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Wednesday's ND Hearing on Motion for Mandamus Relief
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:31:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:31:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:31:45.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 [redacted] Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, masagsve@nd.gov
Attachments	15910.docx

Record 1020

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Wednesday's ND Hearing on Motion for Mandamus Relief
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:31:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:31:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 6:31:45.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, masagsve@nd.gov
Attachments	12546.docx

Record 1021

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:01:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:01:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:01:38.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: §44-04-19.1 On Jan 10, 2022, at 9:32 AM, Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> wrote: Wayne – §44-04-19.1 Paul M. Seby

Body	Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Thursday, January 6, 2022 11:27 AM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: S Ct Oral Argum- draft email to Petitioners counsel §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 6, 2022 11:25 AM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: S Ct Oral Argum- draft email to Petitioners counsel §44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne- §44-04-19.1 Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1022

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:01:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:01:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:01:38.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: §44-04-19.1 On Jan 10, 2022, at 9:32 AM, Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> wrote: Wayne – §44-04-19.1 Paul M. Seby

Body	Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Thursday, January 6, 2022 11:27 AM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: S Ct Oral Argum- draft email to Petitioners counsel §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 6, 2022 11:25 AM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: S Ct Oral Argum- draft email to Petitioners counsel §44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne- §44-04-19.1 Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1023

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:43.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Jan 13, 2022, at 8:48 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: ***EXTERNAL TO GT*** §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1024

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:43.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** On Jan 13, 2022, at 8:48 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: ***EXTERNAL TO GT*** If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1025

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:06:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:06:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:06:29.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 14, 2022 1:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** FW: 20220114_DAPL_EIS_MeetingFollowUp §44-04-19.1 **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: §44-04-19.1 Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1026

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	masagsve@nd.gov, wstenehjem@nd.gov, tseibel@nd.gov
Subject	RE: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:06:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:06:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:06:29.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 14, 2022 1:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** FW: 20220114_DAPL_EIS_MeetingFollowUp §44-04-19.1 **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: §44-04-19.1 Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1027

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	DRAFT ND Status Report Regarding the Discovery Status and Proposed Interim Deadline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:37:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:37:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:37:36.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thanks Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov
Attachments	15877.DOCX

Record 1028

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	DRAFT ND Status Report Regarding the Discovery Status and Proposed Interim Deadline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:37:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:37:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 3:37:36.000 PM
Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thanks Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov
Attachments	12514.DOCX

Record 1029

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	RE: Follow up questions - FW: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:11:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:11:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:11:14.000 PM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, January 14, 2022 4:00 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Subject: Fwd: Follow up questions - FW: FYI

EXTERNAL TO GT

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Friday, January 14, 2022 3:35:14 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Follow up questions - FW: FYI

§44-04-19.1

From: Adam Willis <awillis@forumcomm.com>
Sent: Friday, January 14, 2022 3:30 PM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: Re: FYI

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Liz,

§44-04-19.1

Thank you again for your help!
Adam

On Fri, Jan 14, 2022 at 3:21 PM Brocker, Liz <lbrocker@nd.gov> wrote:

§44-04-19.1

Body	§44-04-19.1 **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:03 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Fri, Jan 14, 2022 at 3:01 PM Brocker, Liz <lbrocker@nd.gov> wrote: §44-04-19.1 -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1030

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	RE: Follow up questions - FW: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:11:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:11:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:11:14.000 PM

Body

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§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, January 14, 2022 4:00 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Subject: Fwd: Follow up questions - FW: FYI

EXTERNAL TO GT

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Friday, January 14, 2022 3:35:14 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Follow up questions - FW: FYI

§44-04-19.1

From: Adam Willis <awillis@forumcomm.com>
Sent: Friday, January 14, 2022 3:30 PM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: Re: FYI

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Body	§44-04-19.1 **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:03 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Fri, Jan 14, 2022 at 3:01 PM Brocker, Liz <lbrocker@nd.gov> wrote: §44-04-19.1 -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

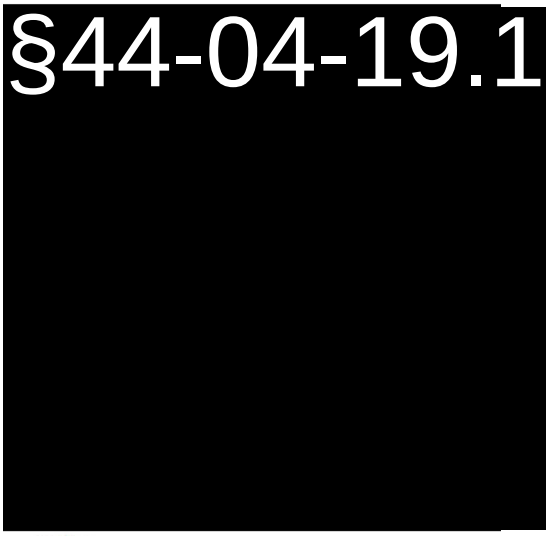
Record 1031

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: Timing of motions pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:07:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:07:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:07:25.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thank you Begin forwarded message: **From:** Denise McNerney <dmcnerney@supremecourt.gov> **Date:** January 14, 2022 at 5:00:43 PM MST **To:** "Lindsay S. See" <Lindsay.S.See@wvago.gov>, "Tseytlin, Misha" <Misha.Tseytlin@troutman.com>, eschilling@hollandhart.com, elin@huntonak.com, Sean Donahue <sean@donahuegoldberg.com>, "Wu, Steven" <Steven.Wu@ag.ny.gov>, "B. UNDERWOOD" <Barbara.Underwood@ag.ny.gov>, bbrinkmann@cov.com, "Roth, Yaakov M." <yroth@jonesday.com>, "Grossman, Andrew M" <agrossman@bakerlaw.com>, "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, "Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov)" <Eric.Feigin@usdoj.gov>, "Stewart, Malcolm L (OSG)" <Malcolm.L.Stewart@usdoj.gov>, "Gannon, Curtis E. (OSG)" <Curtis.Gannon@usdoj.gov>, "Fletcher, Brian H. (OSG)" <Brian.Fletcher@usdoj.gov>, "Kneedler, Edwin S (OSG)" <Edwin.S.Kneedler@usdoj.gov> **Subject: Timing of motions pertaining to the oral argument in No. 20-1530, et al.** ***EXTERNAL TO GT*** Counsel, §44-04-19.1 Respectfully, *Denise McNerney* Merits Cases Clerk Office of the Clerk, Supreme Court U.S. (202) 479-3032 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1032

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: Timing of motions pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:07:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:07:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:07:25.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****  Thank you Begin forwarded message: **From:** Denise McNerney <dmcnerney@supremecourt.gov> **Date:** January 14, 2022 at 5:00:43 PM MST **To:** "Lindsay S. See" <Lindsay.S.See@wvago.gov>, "Tseytlin, Misha" <Misha.Tseytlin@troutman.com>, eschilling@hollandhart.com, elin@huntonak.com, Sean Donahue <sean@donahuegoldberg.com>, "Wu, Steven" <Steven.Wu@ag.ny.gov>, "B. UNDERWOOD" <Barbara.Underwood@ag.ny.gov>, bbrinkmann@cov.com, "Roth, Yaakov M." <yroth@jonesday.com>, "Grossman, Andrew M" <agrossman@bakerlaw.com>, "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, "Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov)" <Eric.Feigin@usdoj.gov>, "Stewart, Malcolm L (OSG)" <Malcolm.L.Stewart@usdoj.gov>, "Gannon, Curtis E. (OSG)" <Curtis.Gannon@usdoj.gov>, "Fletcher, Brian H. (OSG)" <Brian.Fletcher@usdoj.gov>, "Kneedler, Edwin S (OSG)" <Edwin.S.Kneedler@usdoj.gov> **Subject: Timing of motions pertaining to the oral argument in No. 20-1530, et al.** ***EXTERNAL TO GT*** Counsel, Respectfully, *Denise McNerney* Merits Cases Clerk Office of the Clerk, Supreme Court U.S. (202) 479-3032 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1033

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: Timing of motions pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 7:29:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 7:29:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 7:29:52.000 PM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Thanks and will do.

§44-04-19.1

On Jan 15, 2022, at 3:15 PM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote:

§44-04-19.1

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Saturday, January 15, 2022 4:07:19 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: Timing of motions pertaining to the oral argument in No. 20-1530, et al.

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Body	§44-04-19.1 Begin forwarded message: **From:** Denise McNerney <dmcnerney@supremecourt.gov> **Date:** January 14, 2022 at 5:00:43 PM MST **To:** "Lindsay S. See" <Lindsay.S.See@wvago.gov>, "Tseytlin, Misha" <Misha.Tseytlin@troutman.com>, eschilling@hollandhart.com, elin@huntonak.com, Sean Donahue <sean@donahuegoldberg.com>, "Wu, Steven" <Steven.Wu@ag.ny.gov>, "B. UNDERWOOD" <Barbara.Underwood@ag.ny.gov>, bbrinkmann@cov.com, "Roth, Yaakov M." <yroth@jonesday.com>, "Grossman, Andrew M" <agrossman@bakerlaw.com>, "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, "Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov)" <Eric.Feigin@usdoj.gov>, "Stewart, Malcolm L (OSG)" <Malcolm.L.Stewart@usdoj.gov>, "Gannon, Curtis E. (OSG)" <Curtis.Gannon@usdoj.gov>, "Fletcher, Brian H. (OSG)" <Brian.Fletcher@usdoj.gov>, "Kneedler, Edwin S (OSG)" <Edwin.S.Kneedler@usdoj.gov> **Subject: Timing of motions pertaining to the oral argument in No. 20-1530, et al.** ***EXTERNAL TO GT*** Counsel, §44-04-19.1 Respectfully, *Denise McNerney* Merits Cases Clerk Office of the Clerk, Supreme Court U.S. (202) 479-3032 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1034

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: Timing of motions pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 7:29:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 7:29:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 7:29:52.000 PM

Body

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§44-04-19.1

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§44-04-19.1

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Saturday, January 15, 2022 4:07:19 PM
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Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: Timing of motions pertaining to the oral argument in No. 20-1530, et al.

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§44-04-19.1

Body	§44-04-19.1 Begin forwarded message: **From:** Denise McNerney <dmcnerney@supremecourt.gov> **Date:** January 14, 2022 at 5:00:43 PM MST **To:** "Lindsay S. See" <Lindsay.S.See@wvago.gov>, "Tseytlin, Misha" <Misha.Tseytlin@troutman.com>, eschilling@hollandhart.com, elin@huntonak.com, Sean Donahue <sean@donahuegoldberg.com>, "Wu, Steven" <Steven.Wu@ag.ny.gov>, "B. UNDERWOOD" <Barbara.Underwood@ag.ny.gov>, bbrinkmann@cov.com, "Roth, Yaakov M." <yroth@jonesday.com>, "Grossman, Andrew M" <agrossman@bakerlaw.com>, "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, "Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov)" <Eric.Feigin@usdoj.gov>, "Stewart, Malcolm L (OSG)" <Malcolm.L.Stewart@usdoj.gov>, "Gannon, Curtis E. (OSG)" <Curtis.Gannon@usdoj.gov>, "Fletcher, Brian H. (OSG)" <Brian.Fletcher@usdoj.gov>, "Kneedler, Edwin S (OSG)" <Edwin.S.Kneedler@usdoj.gov> **Subject: Timing of motions pertaining to the oral argument in No. 20-1530, et al.** ***EXTERNAL TO GT*** Counsel, §44-04-19.1 Respectfully, *Denise McNerney* Merits Cases Clerk Office of the Clerk, Supreme Court U.S. (202) 479-3032 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1035

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	1-17-21 DRAFT North Dakota's Motion for Divided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 5:45:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 5:45:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 5:46:00.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne - attached is the draft ND S Ct Ct oral argument motion due Tuesday pm. Please let me know if you would like to discuss tomorrow. Thanks Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov
Attachments	15874.docx

Record 1036

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	1-17-21 DRAFT North Dakota's Motion for Divided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 5:45:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 5:45:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 5:46:00.000 PM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne - attached is the draft ND S Ct Ct oral argument motion due Tuesday pm. Please let me know if you would like to discuss tomorrow. Thanks Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov
Attachments	12511.docx

Record 1037

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: 1-17-21 DRAFT North Dakota's Motion for Divided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 10:19:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 10:19:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 10:19:08.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** 10-4. Pls let me know a good time to call . Thanks On Jan 17, 2022, at 6:30 PM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: *EXTERNAL TO GT* Yes, we can visit tomorrow. I have not heard anything from Patrick. I may text or call him in the morning to give him a heads up. Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, January 17, 2022 5:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** 1-17-21 DRAFT North Dakota's Motion for Divided Argument ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne - attached is the draft ND S Ct Ct oral argument motion due Tuesday pm. Please let me know if you would like to discuss tomorrow. Thanks Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1038

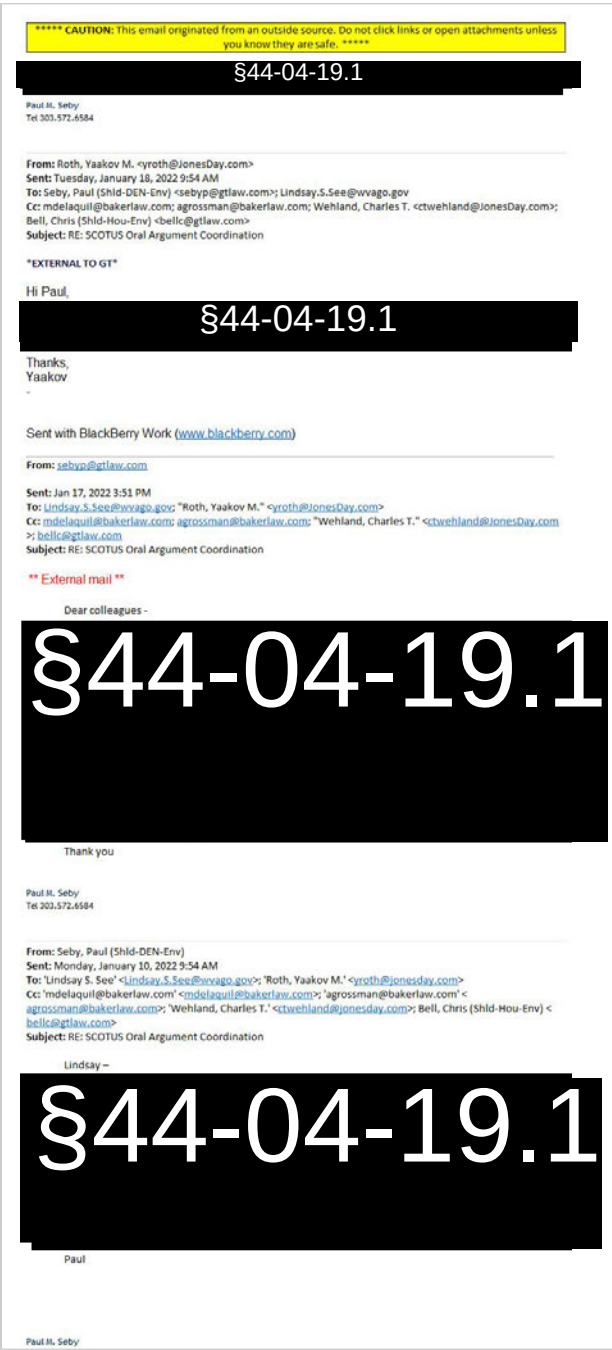
Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Re: 1-17-21 DRAFT North Dakota's Motion for Divided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 10:19:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 10:19:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 10:19:08.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** 10-4. Pls let me know a good time to call . Thanks On Jan 17, 2022, at 6:30 PM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: ***EXTERNAL TO GT*** Yes, we can visit tomorrow. I have not heard anything from Patrick. I may text or call him in the morning to give him a heads up. Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, January 17, 2022 5:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** 1-17-21 DRAFT North Dakota's Motion for Divided Argument ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne - attached is the draft ND S Ct Ct oral argument motion due Tuesday pm. Please let me know if you would like to discuss tomorrow. Thanks Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1039

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: SCOTUS Oral Argument Coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:06:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:06:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:06:52.000 AM

Body



***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Roth, Yaakov M. <yroth@JonesDay.com>
Sent: Tuesday, January 18, 2022 9:54 AM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Lindsay.S.See@wvago.gov
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@JonesDay.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

EXTERNAL TO GT

Hi Paul,

§44-04-19.1

Thanks,
Yaakov

Sent with BlackBerry Work (www.blackberry.com)

From: sebyp@gtlaw.com

Sent: Jan 17, 2022 3:51 PM
To: Lindsay.S.See@wvago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

** External mail **

Dear colleagues -

§44-04-19.1

Thank you

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Monday, January 10, 2022 9:54 AM
To: 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'Roth, Yaakov M.' <yroth@jonesday.com>
Cc: 'mdelaquil@bakerlaw.com' <mdelaquil@bakerlaw.com>; 'agrossman@bakerlaw.com' <agrossman@bakerlaw.com>; 'Wehland, Charles T.' <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

Lindsay –

§44-04-19.1

Paul

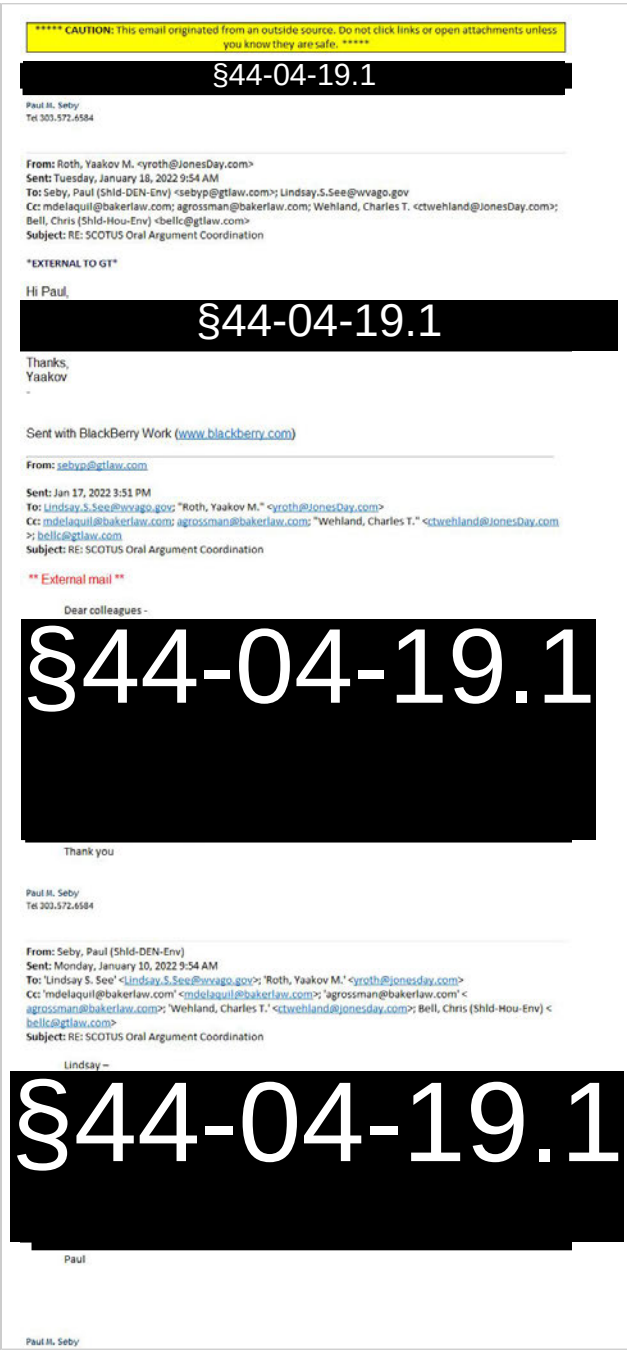
Paul M. Seby

Body	Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Thursday, January 6, 2022 11:32 AM **To:** 'Lindsay S. See' <Lindsay.S.See@wyago.gov>; Roth, Yaakov M. <yroth@jonesday.com> **Cc:** mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com> **Subject:** SCOTUS Oral Argument Coordination Colleagues – §44-04-19.1 Thank you Paul Paul M. Seby Tel 303.572.6584 **From:** Lindsay S. See <Lindsay.S.See@wyago.gov> **Sent:** Wednesday, December 29, 2021 4:39 PM **To:** Roth, Yaakov M. <yroth@jonesday.com> **Cc:** mdelaquil@bakerlaw.com; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com> **Subject:** Re: Coordination Call today 3pm works for me. On Dec 29, 2021, at 6:37 PM, Roth, Yaakov M. <yroth@jonesday.com> wrote: §44-04-19.1 Sent with BlackBerry Work (www.blackberry.com) **From:** "DeLaquil, Mark" <mdelaquil@bakerlaw.com> **Sent:** Dec 29, 2021 6:36 PM **To:** sebyp@gtlaw.com **Cc:** lindsay.s.see@wyago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>; "Grossman, Andrew M" <agrossman@bakerlaw.com>; "Wehland, Charles T." <ctwehland@JonesDay.com> **Subject:** Re: Coordination Call today ** External mail ** §44-04-19.1 Sent from my iPhone On Dec 29, 2021, at 6:33 PM, sebyp@gtlaw.com wrote: §44-04-19.1 Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information. ***This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.***

Record 1040

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: SCOTUS Oral Argument Coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:06:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:06:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:06:52.000 AM

Body



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§44-04-19.1

Paul M. Seby
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From: Roth, Yaakov M. <yroth@JonesDay.com>
Sent: Tuesday, January 18, 2022 9:54 AM
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Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@JonesDay.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

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Tel 303.572.6584

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Sent: Monday, January 10, 2022 9:54 AM
To: 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'Roth, Yaakov M.' <yroth@jonesday.com>
Cc: 'mdelaquil@bakerlaw.com' <mdelaquil@bakerlaw.com>; 'agrossman@bakerlaw.com' <agrossman@bakerlaw.com>; 'Wehland, Charles T.' <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

Lindsay –

§44-04-19.1

Paul

Paul M. Seby

Body	Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Thursday, January 6, 2022 11:32 AM **To:** 'Lindsay S. See' <Lindsay.S.See@wyago.gov>; Roth, Yaakov M. <yroth@jonesday.com> **Cc:** mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com> **Subject:** SCOTUS Oral Argument Coordination Colleagues – §44-04-19.1 Thank you Paul Paul M. Seby Tel 303.572.6584 **From:** Lindsay S. See <Lindsay.S.See@wyago.gov> **Sent:** Wednesday, December 29, 2021 4:39 PM **To:** Roth, Yaakov M. <yroth@jonesday.com> **Cc:** mdelaquil@bakerlaw.com; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com> **Subject:** Re: Coordination Call today 3pm works for me. On Dec 29, 2021, at 6:37 PM, Roth, Yaakov M. <yroth@jonesday.com> wrote: §44-04-19.1 Sent with BlackBerry Work (www.blackberry.com) **From:** "DeLaquil, Mark" <mdelaquil@bakerlaw.com> **Sent:** Dec 29, 2021 6:36 PM **To:** sebyp@gtlaw.com **Cc:** lindsay.s.see@wyago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>; "Grossman, Andrew M" <agrossman@bakerlaw.com>; "Wehland, Charles T." <ctwehland@JonesDay.com> **Subject:** Re: Coordination Call today ** External mail ** §44-04-19.1 Sent from my iPhone On Dec 29, 2021, at 6:33 PM, sebyp@gtlaw.com wrote: §44-04-19.1 Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information. ***This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.***

Record 1041

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:07:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:07:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:07:31.000 AM

Body

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§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Brinkmann, Beth <BBrinkmann@cov.com>
Sent: Tuesday, January 18, 2022 9:50 AM
To: Wu, Steven <Steven.Wu@ag.ny.gov>; Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: sean@donahuegoldberg.com; Underwood, Barbara <Barbara.Underwood@ag.ny.gov>; Feigin, Eric (OSG) <Eric.Feigin@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov>; Poloncarz, Kevin <KPoloncarz@cov.com>
Subject: RE: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al.

EXTERNAL TO GT
Mr. Seby,

§44-04-19.1

Best regards,
Beth

Beth S. Brinkmann
Pronouns: She/Her/Hers

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5312 | bbrinkmann@cov.com
www.cov.com

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Wu, Steven <Steven.Wu@ag.ny.gov>
Sent: Tuesday, January 18, 2022 8:52 AM
To: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; sebyp@gtlaw.com
Cc: sean@donahuegoldberg.com; Underwood, Barbara <Barbara.Underwood@ag.ny.gov>; Brinkmann, Beth <BBrinkmann@cov.com>; Feigin, Eric (OSG) <Eric.Feigin@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov>
Subject: RE: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al.

§44-04-19.1

Best,
Steven

Steven C. Wu
Deputy Solicitor General

Body	Deputy Solicitor General State of New York Office of the Attorney General 28 Liberty Street New York, New York 10005 212-416-6312 **From:** Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov> **Sent:** Monday, January 17, 2022 9:30 PM **To:** sebyp@gtlaw.com **Cc:** sean@donahuegoldberg.com; Wu, Steven <Steven.Wu@ag.ny.gov>; Underwood, Barbara <Barbara.Underwood@ag.ny.gov>; bbrinkmann@cov.com; Feigin, Eric (OSG) <Eric.Feigin@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov> **Subject:** Re: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al. Dear Mr. Seby, §44-04-19.1 Malcolm Stewart Deputy Solicitor General Sent from my iPhone On Jan 17, 2022, at 6:33 PM, sebyp@gtlaw.com wrote: Dear colleagues - §44-04-19.1 Thank you Paul M. Seby Special Assistant Attorney General State of North Dakota If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information. **IMPORTANT NOTICE:** This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.
Attachments	image003[15705].jpg

Record 1042

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:07:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:07:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 11:07:31.000 AM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Brinkmann, Beth <BBrinkmann@cov.com>
Sent: Tuesday, January 18, 2022 9:50 AM
To: Wu, Steven <Steven.Wu@ag.ny.gov>; Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: sean@donahuegoldberg.com; Underwood, Barbara <Barbara.Underwood@ag.ny.gov>; Feigin, Eric (OSG) <Eric.Feigin@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov>; Poloncarz, Kevin <KPoloncarz@cov.com>
Subject: RE: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al.

EXTERNAL TO GT
Mr. Seby,

§44-04-19.1

Best regards,
Beth

Beth S. Brinkmann
Pronouns: She/Her/Hers

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5312 | bbrinkmann@cov.com
www.cov.com

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Wu, Steven <Steven.Wu@ag.ny.gov>
Sent: Tuesday, January 18, 2022 8:52 AM
To: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; sebyp@gtlaw.com
Cc: sean@donahuegoldberg.com; Underwood, Barbara <Barbara.Underwood@ag.ny.gov>; Brinkmann, Beth <BBrinkmann@cov.com>; Feigin, Eric (OSG) <Eric.Feigin@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov>
Subject: RE: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al.

§44-04-19.1

Best,
Steven

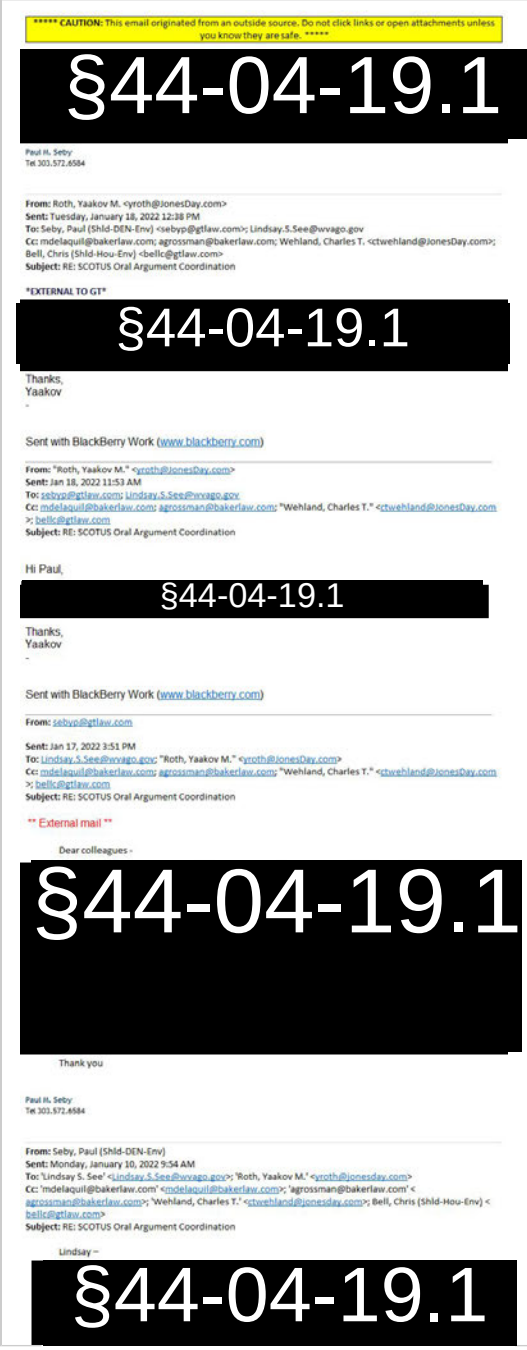
Steven C. Wu
Deputy Solicitor General

Body	Deputy Solicitor General State of New York Office of the Attorney General 28 Liberty Street New York, New York 10005 212-416-6312 **From:** Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov> **Sent:** Monday, January 17, 2022 9:30 PM **To:** sebyp@gtlaw.com **Cc:** sean@donahuegoldberg.com; Wu, Steven <Steven.Wu@ag.ny.gov>; Underwood, Barbara <Barbara.Underwood@ag.ny.gov>; bbrinkmann@cov.com; Feigin, Eric (OSG) <Eric.Feigin@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov> **Subject:** Re: [EXTERNAL] Conferral on North Dakota Motion pertaining to the oral argument in No. 20-1530, et al. Dear Mr. Seby, §44-04-19.1 Malcolm Stewart Deputy Solicitor General Sent from my iPhone On Jan 17, 2022, at 6:33 PM, sebyp@gtlaw.com wrote: Dear colleagues - §44-04-19.1 Thank you Paul M. Seby Special Assistant Attorney General State of North Dakota If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information. **IMPORTANT NOTICE:** This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.
Attachments	image003[12342].jpg

Record 1043

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: SCOTUS Oral Argument Coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:29:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:29:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:29:33.000 PM

Body



***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul H. Seby
Tel 303.572.6584

From: Roth, Yaakov M. <yroth@JonesDay.com>
Sent: Tuesday, January 18, 2022 12:38 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Lindsay.S.See@wvago.gov
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@JonesDay.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

EXTERNAL TO GT

§44-04-19.1

Thanks,
Yaakov

Sent with BlackBerry Work (www.blackberry.com)

From: "Roth, Yaakov M." <yroth@JonesDay.com>
Sent: Jan 18, 2022 11:53 AM
To: sebyp@gtlaw.com; Lindsay.S.See@wvago.gov
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

Hi Paul,

§44-04-19.1

Thanks,
Yaakov

Sent with BlackBerry Work (www.blackberry.com)

From: sebyp@gtlaw.com
Sent: Jan 17, 2022 3:51 PM
To: Lindsay.S.See@wvago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

** External mail **

Dear colleagues -

§44-04-19.1

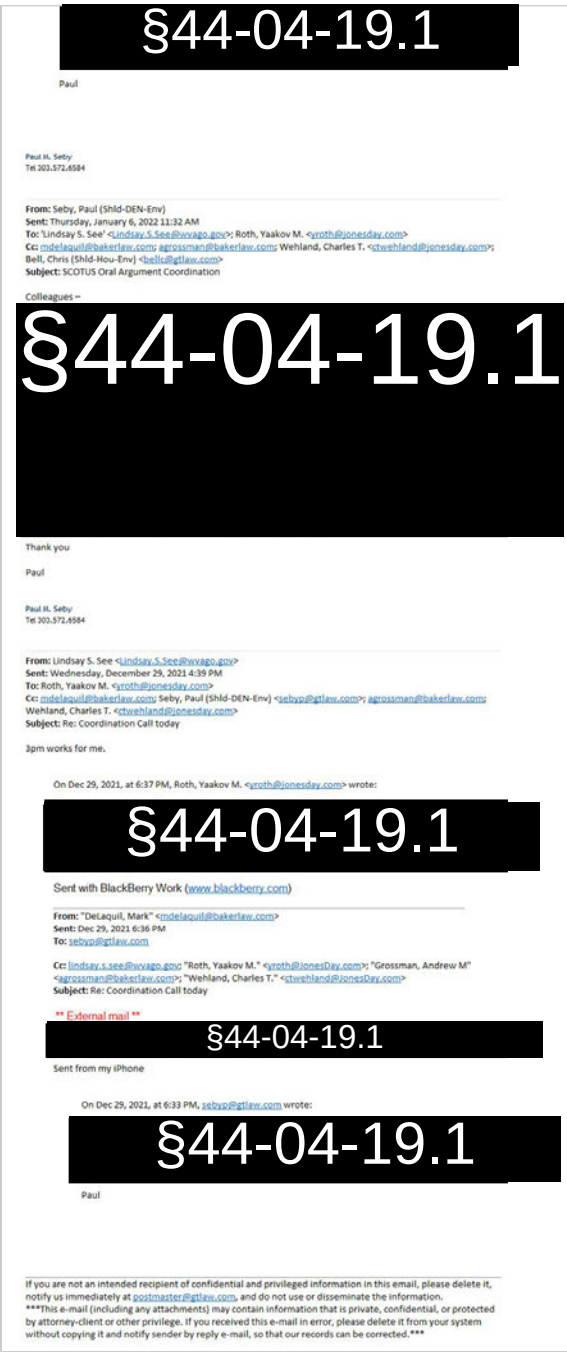
Thank you

Paul H. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Monday, January 10, 2022 9:54 AM
To: 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'Roth, Yaakov M.' <yroth@jonesday.com>
Cc: 'mdelaquil@bakerlaw.com' <mdelaquil@bakerlaw.com>; 'agrossman@bakerlaw.com' <agrossman@bakerlaw.com>; 'Wehland, Charles T.' <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

Lindsay –

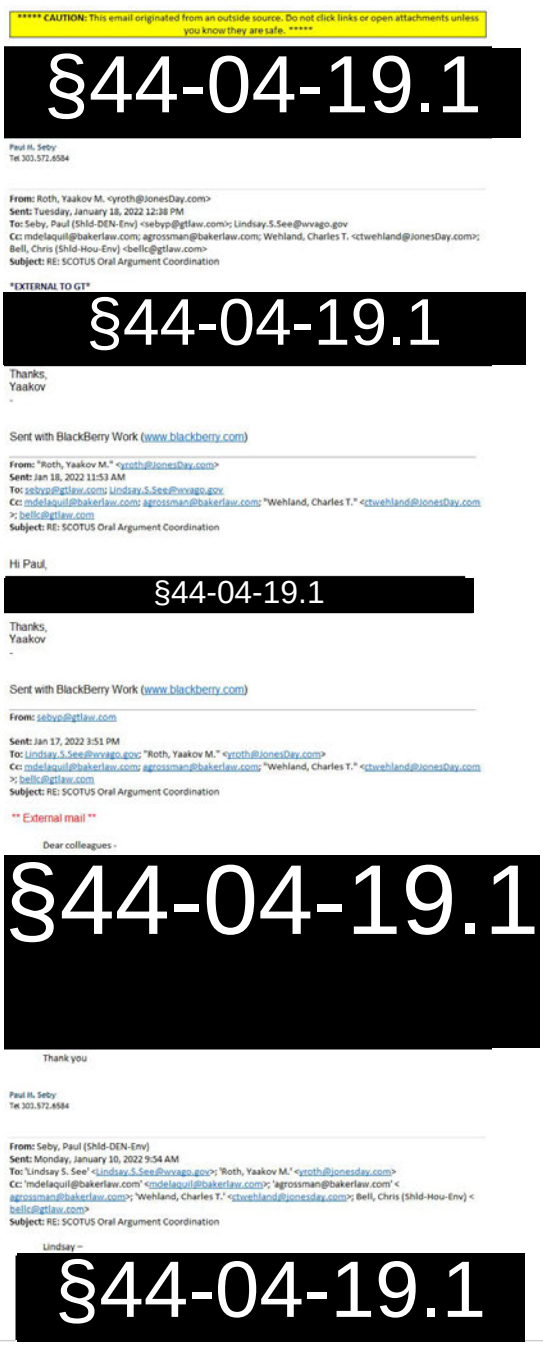
§44-04-19.1

Body	

Record 1044

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: SCOTUS Oral Argument Coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:29:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:29:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:29:33.000 PM

Body



***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul H. Seby
Tel 303.572.6584

From: Roth, Yaakov M. <yroth@JonesDay.com>
Sent: Tuesday, January 18, 2022 12:38 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Lindsay.S.See@wvago.gov
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@JonesDay.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

EXTERNAL TO GT

§44-04-19.1

Thanks,
Yaakov

Sent with BlackBerry Work (www.blackberry.com)

From: "Roth, Yaakov M." <yroth@JonesDay.com>
Sent: Jan 18, 2022 11:53 AM
To: sebyp@gtlaw.com; Lindsay.S.See@wvago.gov
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

Hi Paul,

§44-04-19.1

Thanks,
Yaakov

Sent with BlackBerry Work (www.blackberry.com)

From: sebyp@gtlaw.com

Sent: Jan 17, 2022 3:51 PM
To: Lindsay.S.See@wvago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

** External mail **

Dear colleagues -

§44-04-19.1

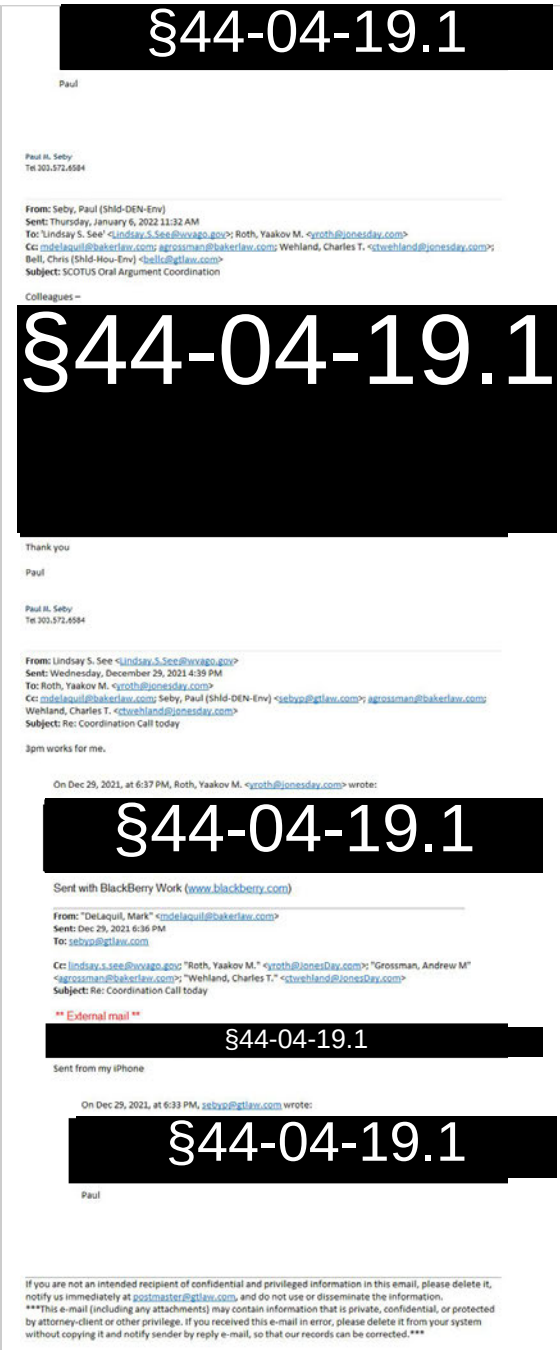
Thank you

Paul H. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Monday, January 10, 2022 9:54 AM
To: 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'Roth, Yaakov M.' <yroth@jonesday.com>
Cc: 'mdelaquil@bakerlaw.com' <mdelaquil@bakerlaw.com>; 'agrossman@bakerlaw.com' <agrossman@bakerlaw.com>; 'Wehland, Charles T.' <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

Lindsay –

§44-04-19.1

Body	

Record 1045

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	FW: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 5:33:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 5:33:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 5:33:25.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, January 18, 2022 4:11 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File *EXTERNAL TO GT* §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov
Attachments	15862.PDF

Record 1046

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, masagsve@nd.gov
Subject	FW: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 5:33:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 5:33:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 5:33:25.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, January 18, 2022 4:11 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File *EXTERNAL TO GT* §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov
Attachments	12499.PDF

Record 1047

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court): Motion for Div ided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:33:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:33:10.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:33:18.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** WVa and the coal companies Motion Paul M. Seby Tel 303.572.6584 **From:** Michael R. Williams <Michael.R.Williams@wvago.gov> **Sent:** Tuesday, January 18, 2022 7:23 PM **To:** Grossman, Andrew M <agrossman@bakerlaw.com>; Roth, Yaakov M. <yroth@JonesDay.com>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; bbrinkmann@cov.com; sean@donahuegoldberg.com; elin@HuntonAK.com; SupremeCtBriefs@USDOJ.gov; Emily Schilling <ECSchilling@hollandhart.com>; misha.tseytlin@troutman.com; Barbara.underwood@ag.ny.gov; steven.wu@ag.ny.gov **Cc:** Lindsay S. See <Lindsay.S.See@wvago.gov>; Thomas T. Lampman <Thomas.T.Lampman@wvago.gov>; Caleb A. Seckman <caleb.a.seckman@wvago.gov> **Subject:** No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court): Motion for Divided Argument ***EXTERNAL TO GT*** All, I've attached a motion for divided argument and for enlargement of time that we filed in the case above tonight. I've also attached a proof of service. Many thanks, Michael Michael R. Williams* Office of the West Virginia Attorney General State Capitol Complex Bldg. 1, Room E-26 Charleston, WV 25305 (681) 313-4511 michael.r.williams@wvago.gov *Admitted in the District of Columbia, Michigan, and Virginia. Practicing under the supervision of West Virginia attorneys. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	image001[15733].png, M0437373-c1[15860].pdf, 15859.pdf

Record 1048

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court): Motion for Div ided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:33:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:33:10.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 9:33:18.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** WVa and the coal companies Motion Paul M. Seby Tel 303.572.6584 **From:** Michael R. Williams <Michael.R.Williams@wvago.gov> **Sent:** Tuesday, January 18, 2022 7:23 PM **To:** Grossman, Andrew M <agrossman@bakerlaw.com>; Roth, Yaakov M. <yroth@JonesDay.com>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; bbrinkmann@cov.com; sean@donahuegoldberg.com; elin@HuntonAK.com; SupremeCtBriefs@USDOJ.gov; Emily Schilling <ECSchilling@hollandhart.com>; misha.tseytlin@troutman.com; Barbara.underwood@ag.ny.gov; steven.wu@ag.ny.gov **Cc:** Lindsay S. See <Lindsay.S.See@wvago.gov>; Thomas T. Lampman <Thomas.T.Lampman@wvago.gov>; Caleb A. Seckman <caleb.a.seckman@wvago.gov> **Subject:** No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court): Motion for Divided Argument ***EXTERNAL TO GT*** All, I've attached a motion for divided argument and for enlargement of time that we filed in the case above tonight. I've also attached a proof of service. Many thanks, Michael **Michael R. Williams*** Office of the West Virginia Attorney General State Capitol Complex Bldg. 1, Room E-26 Charleston, WV 25305 (681) 313-4511 michael.r.williams@wvago.gov *Admitted in the District of Columbia, Michigan, and Virginia. Practicing under the supervision of West Virginia attorneys. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	image001[12373].png, M0437373-c1[12497].pdf, 12496.pdf

Record 1049

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	masagsve@nd.gov
Subject	Re: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of Amer ica Order on Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:58:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:58:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:58:45.000 AM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Body

§44-04-19.1

Sent from my iPhone

On Jan 20, 2022, at 7:57 AM, Sagsveen, Matthew A. <masagsve@nd.gov> wrote:

§44-04-19.1

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, January 18, 2022 5:33 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>

Body	**Subject:** FW: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File ***** CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, January 18, 2022 4:11 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File ***EXTERNAL TO GT*** §44-04-19.1 [redacted] If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	wstenehjem@nd.gov, tseibel@nd.gov

Record 1050

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	masagsve@nd.gov
Subject	Re: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:58:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:58:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 8:58:45.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 [redacted]

Body	§44-04-19.1 Sent from my iPhone On Jan 20, 2022, at 7:57 AM, Sagsveen, Matthew A. <masagsve@nd.gov> wrote: §44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, January 18, 2022 5:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>

Body	**Subject:** FW: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, January 18, 2022 4:11 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File *EXTERNAL TO GT* §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	wstenehjem@nd.gov, tseibel@nd.gov

Record 1051

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	RE: Update in DAPL protest costs case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:15:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:15:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:15:18.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 20, 2022 10:38 AM **To:** Brocker, Liz <lbrocker@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** RE: Update in DAPL protest costs case §44-04-19.1 **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 20, 2022 11:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Update in DAPL protest costs case §44-04-19.1 **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Thursday, January 20, 2022 9:34 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Update in DAPL protest costs case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** H Liz, §44-04-19.1 Adam -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1052

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	RE: Update in DAPL protest costs case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:15:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:15:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 12:15:18.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 20, 2022 10:38 AM **To:** Brocker, Liz <lbrocker@nd.gov>; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** RE: Update in DAPL protest costs case §44-04-19.1 **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 20, 2022 11:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Update in DAPL protest costs case §44-04-19.1 **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Thursday, January 20, 2022 9:34 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Update in DAPL protest costs case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** H Liz, §44-04-19.1 Adam -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1053

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: ND Comments on EPA Proposed O&G Methane Rule - Coordination Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:08:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:08:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:08:35.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Sent:** Thursday, January 20, 2022 6:05 PM **To:** Glatt, Dave D. <dglatt@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** ND Comments on EPA Proposed O&G Methane Rule - Coordination Call §44-04-19.1 Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1054

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Subject	FW: ND Comments on EPA Proposed O&G Methane Rule - Coordination Call
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:08:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 7:08:35.000 PM

Record 1055

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, maiolson@nd.gov, jverleger@nd.gov, tseibel@nd.gov
Subject	Justices to Consider Limiting Clean Water Act- Sacket cert granted
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:58:29.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:58:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:58:29.000 AM
Body	

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Justices to Consider Limiting Clean Water Act

The U.S. Supreme Court, heeding calls from business and property-rights groups, agreed to use a long-running Idaho fight to consider curbing the reach of the Clean Water Act.

The justices said they will hear an appeal from Chantell and Michael Sackett, an Idaho couple waging a 15-year-old battle to build a house on land that federal regulators say is protected wetlands. The Sacketts won a 2012 Supreme Court ruling that let their lawsuit go forward.

The case becomes the second major environmental clash on the court's docket. The justices next month will consider limiting the Environmental Protection Agency's ability to address climate change through sweeping reductions of power-plant emissions.

The Supreme Court is likely to hear the case in the term that starts in October.

The new case could give companies a freer hand to discharge pollutants and let developers construct more new houses without getting a federal permit. The U.S. Chamber of Commerce and the National Association of Home Builders were among the groups urging the Supreme Court to hear the case.

The Sacketts' appeal asks the court to revisit a 2006 Clean Water Act case, Rapanos v. United States, which failed to produce a majority decision and left uncertainty about the governing standard. Four justices, led by Antonin Scalia, said the law covers wetlands only if they have a continuous surface connection to a river, lake or other major waterway.

A fifth, Justice Anthony Kennedy, created his own test, saying the Clean Water Act covers wetlands with a "significant nexus" to one of those larger bodies of water.

In their appeal, the Sacketts say courts and regulators alike have struggled to figure out how the two standards intersect. The couple's lawyers say the court should adopt Scalia's test and clear up the confusion.

Years of Confusion

Body	**Years of Confusion** "Fifteen years of fruitless confusion, conflict, and litigation is enough," the Sacketts argued in their appeal. "This court can and should chart a better course for the Clean Water Act by articulating a clear, easily administered, constitutionally sound rule for wetlands jurisdiction, using the surface-water-connection test set forth in the Rapanos plurality opinion." President Joe Biden's administration urged the court to reject the appeal, arguing that the Sacketts were overstating the confusion and that the Scalia approach would create a regulatory gap. Under the Scalia approach, "the agencies would lack authority to protect wetlands separated from a navigable river by a small dune or other natural barrier, even if overwhelming scientific evidence showed that the wetlands significantly affect the river's chemical, physical, and biological integrity," the administration argued in court papers. The administration also told the justices they shouldn't intervene until the EPA and Army Corps of Engineers finalize a proposed revision to the federal regulations that implement the key provision. The Clean Water Act, which took effect in 1972, gives the federal government control over "waters of the United States." The fight involves a 0.63-acre property near Priest Lake in northern Idaho. The property is about 300 feet (91 meters) from the lake and, on the other side, across a road from a tributary of a creek that feeds into the lake. The EPA says that the land is connected to the lake through a subsurface flow of water. The legal fight began in 2007 when the EPA issued an administrative compliance order requiring the Sacketts to restore land they had already begun preparing for construction. The case has been bouncing up and down the court system since then. A federal appeals court last year said the Clean Water Act covered the property, prompting the Sacketts to turn to the Supreme Court a second time. The case is Sackett v. Environmental Protection Agency, 21-454. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1056

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov, maiolson@nd.gov, jverleger@nd.gov, tseibel@nd.gov
Subject	Justices to Consider Limiting Clean Water Act- Sacket cert granted
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:58:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:58:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:58:29.000 AM

Body

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Justices to Consider Limiting Clean Water Act

The U.S. Supreme Court, heeding calls from business and property-rights groups, agreed to use a long-running Idaho fight to consider curbing the reach of the Clean Water Act.

The justices said they will hear an appeal from Chantell and Michael Sackett, an Idaho couple waging a 15-year-old battle to build a house on land that federal regulators say is protected wetlands. The Sacketts won a 2012 Supreme Court ruling that let their lawsuit go forward.

The case becomes the second major environmental clash on the court's docket. The justices next month will consider limiting the Environmental Protection Agency's ability to address climate change through sweeping reductions of power-plant emissions.

The Supreme Court is likely to hear the case in the term that starts in October.

The new case could give companies a freer hand to discharge pollutants and let developers construct more new houses without getting a federal permit. The U.S. Chamber of Commerce and the National Association of Home Builders were among the groups urging the Supreme Court to hear the case.

The Sacketts' appeal asks the court to revisit a 2006 Clean Water Act case, Rapanos v. United States, which failed to produce a majority decision and left uncertainty about the governing standard. Four justices, led by Antonin Scalia, said the law covers wetlands only if they have a continuous surface connection to a river, lake or other major waterway.

A fifth, Justice Anthony Kennedy, created his own test, saying the Clean Water Act covers wetlands with a "significant nexus" to one of those larger bodies of water.

In their appeal, the Sacketts say courts and regulators alike have struggled to figure out how the two standards intersect. The couple's lawyers say the court should adopt Scalia's test and clear up the confusion.

Years of Confusion

Body	**Years of Confusion** "Fifteen years of fruitless confusion, conflict, and litigation is enough," the Sacketts argued in their appeal. "This court can and should chart a better course for the Clean Water Act by articulating a clear, easily administered, constitutionally sound rule for wetlands jurisdiction, using the surface-water-connection test set forth in the Rapanos plurality opinion." President Joe Biden's administration urged the court to reject the appeal, arguing that the Sacketts were overstating the confusion and that the Scalia approach would create a regulatory gap. Under the Scalia approach, "the agencies would lack authority to protect wetlands separated from a navigable river by a small dune or other natural barrier, even if overwhelming scientific evidence showed that the wetlands significantly affect the river's chemical, physical, and biological integrity," the administration argued in court papers. The administration also told the justices they shouldn't intervene until the EPA and Army Corps of Engineers finalize a proposed revision to the federal regulations that implement the key provision. The Clean Water Act, which took effect in 1972, gives the federal government control over "waters of the United States." The fight involves a 0.63-acre property near Priest Lake in northern Idaho. The property is about 300 feet (91 meters) from the lake and, on the other side, across a road from a tributary of a creek that feeds into the lake. The EPA says that the land is connected to the lake through a subsurface flow of water. The legal fight began in 2007 when the EPA issued an administrative compliance order requiring the Sacketts to restore land they had already begun preparing for construction. The case has been bouncing up and down the court system since then. A federal appeals court last year said the Clean Water Act covered the property, prompting the Sacketts to turn to the Supreme Court a second time. The case is Sackett v. Environmental Protection Agency, 21-454. --- If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1057

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: Supreme Court Electronic Filing System- Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 11:45:11.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 11:45:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 11:45:11.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: §44-04-19.1 [redacted] Paul §44-04-19.1 [redacted] Begin forwarded message: **From:** no-reply@sc-us.gov **Date:** January 24, 2022 at 9:26:10 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com> **Subject: Supreme Court Electronic Filing System** ***EXTERNAL TO GT*** §44-04-19.1 [redacted] If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1058

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: Supreme Court Electronic Filing System- Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 11:45:11.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 11:45:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 11:45:11.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: §44-04-19.1 Paul §44-04-19.1 Begin forwarded message: **From:** no-reply@sc-us.gov **Date:** January 24, 2022 at 9:26:10 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com> **Subject: Supreme Court Electronic Filing System** ***EXTERNAL TO GT*** §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1059

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:38:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:38:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:38:52.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Wednesday, January 26, 2022 12:41 PM
To: 'Olson, Margaret I.' <maiolson@nd.gov>
Cc: Glatt, Dave D. <dglatt@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Semerad, Jim L. <jsemerad@nd.gov>
Subject: RE: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas

Maggie,

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

From: Olson, Margaret I. <maiolson@nd.gov>
Sent: Wednesday, January 26, 2022 12:12 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: Glatt, Dave D. <dglatt@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Semerad, Jim L. <jsemerad@nd.gov>
Subject: FW: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas

EXTERNAL TO GT
Hello,

§44-04-19.1

Maggie Olson
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Phone (701) 328-3640
Fax (701) 328-4300

Confidentiality Notice:

This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

From: Michael R. Williams <Michael.R.Williams@wvago.gov>
Sent: Tuesday, January 25, 2022 3:30 PM
To: Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov;

Body

MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; Olson, Margaret I. <maiolson@nd.gov>; Verleger, Jennifer L. <jverleger@nd.gov>; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov; Thomas Hydrick <ThomasHydrick@scag.gov>; Smithgall, Katie <Kathleen.Smithgall@mt.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Brocker, Liz <lbrocker@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Jordan Watson <JWatson@LAW.GA.GOV>; aferguson@oag.state.va.us

Cc: Lindsay S. See <Lindsay.S.See@wvago.gov>; Thomas T. Lampman <Thomas.T.Lampman@wvago.gov>; Caleb A. Seckman <caleb.a.seckman@wvago.gov>

Subject: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,

§44-04-19.1 [redacted]

Many thanks,
Michael

Michael R. Williams* | Office of the West Virginia Attorney General | (681) 313-4511 | michael.r.williams@wvago.gov

*Admitted in the District of Columbia, Michigan, and Virginia. Practicing under the supervision of West Virginia attorneys.

From: Michael R. Williams
Sent: Wednesday, October 13, 2021 12:22 PM
To: Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov; MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; maiolson@nd.gov; jverleger@nd.gov; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov; Thomas Hydrick <ThomasHydrick@scag.gov>; Smithgall, Katie <Kathleen.Smithgall@mt.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Brocker, Liz <lbrocker@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Jordan Watson <JWatson@LAW.GA.GOV>
Cc: Lindsay S. See <Lindsay.S.See@wvago.gov>
Subject: RE: Letter Opportunity - Methane Fee

Good afternoon all,

Body	§44-04-19.1 Michael **Michael R. Williams** | Office of the West Virginia Attorney General | (681) 313-4511 | michael.r.williams@wvago.gov **From:** Michael R. Williams **Sent:** Friday, October 8, 2021 4:22 PM **To:** Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov; MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; maiolson@nd.gov; jverleger@nd.gov; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov **Cc:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Subject:** Letter Opportunity - Methane Fee Good afternoon all, §44-04-19.1 Michael **Michael R. Williams** Office of the West Virginia Attorney General 112 California Avenue State Capitol, Building 6, Room 433 Charleston, WV 25305 (681) 313-4511 michael.r.williams@wvago.gov If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	image001[16122].png

Record 1060

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	FW: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:38:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:38:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:38:52.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Wednesday, January 26, 2022 12:41 PM
To: 'Olson, Margaret I.' <maiolson@nd.gov>
Cc: Glatt, Dave D. <dglatt@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Semerad, Jim L. <jsemerad@nd.gov>
Subject: RE: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas

Maggie,

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

From: Olson, Margaret I. <maiolson@nd.gov>
Sent: Wednesday, January 26, 2022 12:12 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Cc: Glatt, Dave D. <dglatt@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Semerad, Jim L. <jsemerad@nd.gov>
Subject: FW: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas

EXTERNAL TO GT
Hello,

§44-04-19.1

Maggie Olson
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Phone (701) 328-3640
Fax (701) 328-4300

Confidentiality Notice:

This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

From: Michael R. Williams <Michael.R.Williams@wvago.gov>
Sent: Tuesday, January 25, 2022 3:30 PM
To: Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov;

Body

MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; Olson, Margaret I. <maiolson@nd.gov>; Verleger, Jennifer L. <jverleger@nd.gov>; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov; Thomas Hydrick <ThomasHydrick@scag.gov>; Smithgall, Katie <Kathleen.Smithgall@mt.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Brocker, Liz <lbrocker@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Jordan Watson <JWatson@LAW.GA.GOV>; aferguson@oag.state.va.us

Cc: Lindsay S. See <Lindsay.S.See@wvago.gov>; Thomas T. Lampman <Thomas.T.Lampman@wvago.gov>; Caleb A. Seckman <caleb.a.seckman@wvago.gov>

Subject: Comment Letter Join Opportunity: Methane Regulations for Oil and Gas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,

§44-04-19.1 [redacted]

Many thanks,
Michael

Michael R. Williams* | Office of the West Virginia Attorney General | (681) 313-4511 | michael.r.williams@wvago.gov

*Admitted in the District of Columbia, Michigan, and Virginia. Practicing under the supervision of West Virginia attorneys.

From: Michael R. Williams
Sent: Wednesday, October 13, 2021 12:22 PM
To: Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov; MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; maiolson@nd.gov; jverleger@nd.gov; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov; Thomas Hydrick <ThomasHydrick@scag.gov>; Smithgall, Katie <Kathleen.Smithgall@mt.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Brocker, Liz <lbrocker@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Jordan Watson <JWatson@LAW.GA.GOV>
Cc: Lindsay S. See <Lindsay.S.See@wvago.gov>
Subject: RE: Letter Opportunity - Methane Fee

Good afternoon all,

Body	§44-04-19.1 Michael **Michael R. Williams** | Office of the West Virginia Attorney General | (681) 313-4511 | michael.r.williams@wvago.gov **From:** Michael R. Williams **Sent:** Friday, October 8, 2021 4:22 PM **To:** Edmund.LaCour@AlabamaAG.gov; Barrett.Bowdre@AlabamaAG.gov; Robert.Tambling@AlabamaAG.gov; beau.roysden@azag.gov; Drew.Ensign@azag.gov; Kate.Sawyer@azag.gov; jessie.alloway@alaska.gov; cori.mills@alaska.gov; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; dylan.jacobs@arkansasag.gov; Henry.Whitaker@myfloridalegal.com; Richard.Martin@myfloridalegal.com; RBergethon@LAW.GA.GOV; DWaldbeser@LAW.GA.GOV; brian.kane@ag.idaho.gov; darrell.early@ag.idaho.gov; Tom.Fisher@atg.in.gov; kian.hudson@atg.in.gov; julia.payne@atg.in.gov; brant.laue@ag.ks.gov; Jeff.Chanay@ag.ks.gov; Chad.Meredith@ky.gov; Carmine.Iaccarino@ky.gov; MurrillE@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Scott.Stewart@ago.ms.gov; 'whitney.lipscomb@ago.ms.gov; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Derek.Oestreicher@mt.gov; Brent.Mead2@mt.gov; Jim.Campbell@nebraska.gov; Justin.Lavene@nebraska.gov; sean.gill@doj.nh.gov; Christopher.Bond@doj.nh.gov; 'masagsve@nd.gov'; maiolson@nd.gov; jverleger@nd.gov; Benjamin.Flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; andy.ferguson@oag.ok.gov; ESmith@scag.gov; Ann.MinesBailey@state.sd.us; Andree.Blumstein@ag.tn.gov; Sarah.Campbell@ag.tn.gov; Brandon.Smith@ag.tn.gov; Lisa.Mccarter@ag.tn.gov; Judd.Stone@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; ryan.schelhaas@wyo.gov **Cc:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Subject:** Letter Opportunity - Methane Fee Good afternoon all, §44-04-19.1 Michael **Michael R. Williams** Office of the West Virginia Attorney General 112 California Avenue State Capitol, Building 6, Room 433 Charleston, WV 25305 (681) 313-4511 michael.r.williams@wvago.gov If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
Attachments	image001[12767].png

Record 1061

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Subject	Fwd: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:33.000 AM

Record 1062

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:33.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:33.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul Begin forwarded message: **From:** NDD J-Senechal <NDD_J-Senechal@ndd.uscourts.gov> **Date:** January 27, 2022 at 9:34:46 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, masagsve@nd.gov, jane.bobet@usdoj.gov, victor.scarpato@usdoj.gov, logan.steiner@usdoj.gov, ian.kellogg@usdoj.gov **Subject: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America** ***EXTERNAL TO GT*** Counsel: §44-04-19.1 Thank you, Amy Strankowski Law Clerk If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	masagsve@nd.gov, tseibel@nd.gov

Record 1063

Sender Name	sebyp@gtlaw.com
Sender Email	sebyp@gtlaw.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 10:42:33.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul Begin forwarded message: **From:** NDD J-Senechal <NDD_J-Senechal@ndd.uscourts.gov> **Date:** January 27, 2022 at 9:34:46 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, masagsve@nd.gov, jane.bobet@usdoj.gov, victor.scarpato@usdoj.gov, logan.steiner@usdoj.gov, ian.kellogg@usdoj.gov **Subject: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America** ***EXTERNAL TO GT*** Counsel: §44-04-19.1 Thank you, Amy Strankowski Law Clerk If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	masagsve@nd.gov, tseibel@nd.gov

Record 1064

Sender Name	The Well News
Sender Email	sftw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	At-home COVID Tests, EGD Global Consequences, and Retire in Style
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 6:07:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 6:07:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 6:07:50.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 1065

Sender Name	The Well News
Sender Email	sftw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	At-home COVID Tests, EGD Global Consequences, and Retire in Style
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 6:07:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 6:07:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 6:07:50.000 AM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 1066

Sender Name	The Well News
Sender Email	sftw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	MIT Prof Case Dismissed, Puerto Rico's Bankruptcy, and 2022 Economic Challenges
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:05:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:04:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:05:09.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 1067

Sender Name	The Well News
Sender Email	sftw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	MIT Prof Case Dismissed, Puerto Rico's Bankruptcy, and 2022 Economic Challenges
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:05:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:04:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/22/2022 6:05:09.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 1068

Sender Name	The Well News
Sender Email	sftw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Crypto Mayors, US to Help Europe Gas Woes, and City Finances
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:05:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:05:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:05:43.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 1069

Sender Name	The Well News
Sender Email	sftw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	Crypto Mayors, US to Help Europe Gas Woes, and City Finances
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:05:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:05:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 6:05:43.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 1070

Sender Name	The Well News
Sender Email	sftw@thewellnews.com
Recipients	wstenehjem@nd.gov
Subject	ERA Revival, Doling out the Funds, and Garland Update on Threats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/29/2022 6:06:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/29/2022 6:06:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/29/2022 6:06:58.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Record 1071

Sender Name	Shane Goettle
Sender Email	sgoettle@bakkenenergy.com
Recipients	sgoettle@bakkenenergy.com
Subject	Bakken Energy Response Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:38:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:37:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 10:38:22.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Governor Burgum: On behalf of Bakken Energy, our CEO, Mike Hopkins, would like to submit to you the following attached response to the Coal Conversion Counties Association letter dated December 8, 2021 that you received in your office raising concerns and issues with our proposed conversion of the Great Plains Synfuels Plant into a clean hydrogen and clean ammonia production facility. In the attached letter, Mr. Hopkin's specifically addresses some inaccurate assumptions concerning our project. I thank you in advance for your thorough consideration of Bakken Energy's project proposal submitted to the North Dakota Clean Sustainable Energy Authority. **SHANE C. GOETTLE** Founder, Vice Chair (701) 426-0576 Mobile www.bakkenenergy.com
Attachments	16014.pdf, image001[14605].jpg

Record 1072

Sender Name	VandeVenter, Shannon M.
Sender Email	shvandeventer@nd.gov
Recipients	agattys@nd.gov
Subject	January Hours Notice
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:37:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:37:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:38:00.000 AM
Body	Hi all, Happy New Year! The hours for the month of January are 168. There is one Holiday in January, Monday January 17th/Martin Luther King Day. Remember to enter your 8 hours Holiday in first on this day, then enter any time worked as **worked Holiday**. The amount of comp time earned will depend on if you have pre-approval to work the Holidays. **Please have everything submitted to your supervisor by 5:00 PM (or whatever time your supervisor wants them) on Tuesday February 1st. Supervisors the deadline to have time approved is 11:00 PM on Tuesday February 1st.** Please let myself or Bev Haman 328-4295 know if anyone has any questions or concerns. Thank you, Shannon VandeVenter Office of Attorney General Account Budget Specialist II 701-328-3626 shvandeventer@nd.gov

Record 1073

Sender Name	VandeVenter, Shannon M.
Sender Email	shvandeventer@nd.gov
Recipients	agattys@nd.gov

Subject	January Hours Notice
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:37:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:37:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 8:38:00.000 AM
Body	Hi all, Happy New Year! The hours for the month of January are 168. There is one Holiday in January, Monday January 17th/Martin Luther King Day. Remember to enter your 8 hours Holiday in first on this day, then enter any time worked as **worked Holiday**. The amount of comp time earned will depend on if you have pre-approval to work the Holidays. **Please have everything submitted to your supervisor by 5:00 PM (or whatever time your supervisor wants them) on Tuesday February 1st, Supervisors the deadline to have time approved is 11:00 PM on Tuesday February 1st,** Please let myself or Bev Haman 328-4295 know if anyone has any questions or concerns. Thank you, Shannon VandeVenter Office of Attorney General Account Budget Specialist II 701-328-3626 shvandeventer@nd.gov

Record 1074

Sender Name	VandeVenter, Shannon M.
Sender Email	shvandeventer@nd.gov
Recipients	agall@nd.gov
Subject	Reminder on Leave Entries
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:42:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:42:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:42:52.000 AM
Body	Hi all, Just a reminder that when entering a few days of leave together please do not enter two separate months in one entry. See below, this entry runs from Dec into Jan. For this you would need to do two separate entries for the December leave and a separate entry for the January leave. This entry will need to be deleted and re-entered. Does not matter what time of leave, please do not lump MONTH(S) together. Please let Bev Haman or myself know if you have any questions. **AL STANDARD 12/30/2021 1/3/2022 16.00** Thank you, Shannon VandeVenter Office of Attorney General Account Budget Specialist II 701-328-3626 shvandeventer@nd.gov

Record 1075

Sender Name	VandeVenter, Shannon M.
Sender Email	shvandeventer@nd.gov
Recipients	agall@nd.gov
Subject	Reminder on Leave Entries

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:42:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:42:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 11:42:52.000 AM
Body	Hi all, Just a reminder that when entering a few days of leave together please do not enter two separate months in one entry. See below, this entry runs from Dec into Jan. For this you would need to do two separate entries for the December leave and a separate entry for the January leave. This entry will need to be deleted and re-entered. Does not matter what time of leave, please do not lump MONTH(S) together. Please let Bev Haman or myself know if you have any questions. **AL STANDARD 12/30/2021 1/3/2022 16.00** Thank you, Shannon VandeVenter Office of Attorney General Account Budget Specialist II 701-328-3626 shvandeventer@nd.gov

Record 1076

Sender Name	Harstad, Steve J.
Sender Email	sjharstad@nd.gov
Recipients	mlefor@nd.gov
Subject	Message received by Dean Rummel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:55:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:55:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:55:52.000 PM
Body	Representative Lefor I had the opportunity to meet with Dean Rummel today and review the text message he received which you contacted us about. The only reason your name was associated with the message was because your number was in the sequence of numbers the message was sent to and Mr. Rummel has your contact stored in his phone. This message originated from a Gmail account and not from your cell phone or your phone number. This style of spam message is quite common and normally originates from a location outside of the United States. Because of the likely originating location and the technology used to cover the tracks, we would be unable to locate the sender. Please let me know if you have any questions. **C/A Steven Harstad** Bureau of Criminal Investigation PO Box 1054 Bismarck, ND 58502 701-328-5500 - office §44-04-18.3 cell
CC	wstenehjem@nd.gov

Record 1077

Sender Name	Harstad, Steve J.
Sender Email	sjharstad@nd.gov
Recipients	mlefor@nd.gov
Subject	Message received by Dean Rummel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:55:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:55:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:55:52.000 PM

Body	Representative Lefor I had the opportunity to meet with Dean Rummel today and review the text message he received which you contacted us about. The only reason your name was associated with the message was because your number was in the sequence of numbers the message was sent to and Mr. Rummel has your contact stored in his phone. This message originated from a Gmail account and not from your cell phone or your phone number. This style of spam message is quite common and normally originates from a location outside of the United States. Because of the likely originating location and the technology used to cover the tracks, we would be unable to locate the sender. Please let me know if you have any questions. **C/A Steven Harstad** Bureau of Criminal Investigation PO Box 1054 Bismarck, ND 58502 701-328-5500 - office §44-04-18.3 cell
CC	wstenehjem@nd.gov

Record 1078

Sender Name	Stephen Petrany
Sender Email	SPetrany@LAW.GA.GOV
Subject	RE: OSHA - Updated SCOTUS filing
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:21:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:20:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:21:08.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Atlanta is west of Columbus, Ben. But DC most certainly is not, and that's where your audience is. ☺ **Stephen Petrany** **Solicitor General** **Office of the Attorney General Chris Carr** **Solicitor General Unit** 404-458-3408 spetrany@law.ga.gov Georgia Department of Law 40 Capitol Square SW Atlanta, Georgia 30334 **From:** Benjamin Flowers [mailto:Benjamin.Flowers@OhioAGO.gov] **Sent:** Thursday, December 16, 2021 3:03 PM **To:** 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [GOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'laccarino, Carmine G (KYOAG)' <Carmine.laccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'steven.blair@state.sd.us'; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** OSHA - Updated SCOTUS filing CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is an updated (and citechecked) stay/cert before judgment filing. It's substantively identical to what I sent last night. (With one exception: an eastern member of our coalition, apparently unfamiliar with the cut-and-suck method of treating rattlesnake bites, asked for the removal of that reference.) We think this anticipates everything any adverse panel decision might say, so it should not take long to add responses to the Sixth Circuit. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	May.Mailman@OhioAGO.gov, John.Rockenbach@OhioAGO.gov
Attachments	image001[14766].jpg, image004[14767].png, image005[14768].png

Record 1079

Sender Name	Stephen Petrany
Sender Email	SPetrany@LAW.GA.GOV
Subject	RE: OSHA - Updated SCOTUS filing
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:21:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:20:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 2:21:08.000 PM

Body	***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Atlanta is west of Columbus, Ben. But DC most certainly is not, and that's where your audience is. ☺ **Stephen Petrany** **Solicitor General** **Office of the Attorney General Chris Carr** **Solicitor General Unit** 404-458-3408 spetrany@law.ga.gov Georgia Department of Law 40 Capitol Square SW Atlanta, Georgia 30334 **From:** Benjamin Flowers [mailto:Benjamin.Flowers@OhioAGO.gov] **Sent:** Thursday, December 16, 2021 3:03 PM **To:** 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [GOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'laccarino, Carmine G (KYOAG)' <Carmine.laccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'steven.blair@state.sd.us'; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov> **Subject:** OSHA - Updated SCOTUS filing CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is an updated (and citechecked) stay/cert before judgment filing. It's substantively identical to what I sent last night. (With one exception: an eastern member of our coalition, apparently unfamiliar with the cut-and-suck method of treating rattlesnake bites, asked for the removal of that reference.) We think this anticipates everything any adverse panel decision might say, so it should not take long to add responses to the Sixth Circuit. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	May.Mailman@OhioAGO.gov, John.Rockenbach@OhioAGO.gov
Attachments	image001[11308].jpg, image004[11309].png, image005[11310].png

Record 1080

Sender Name	Beadle, Thomas R.
Sender Email	tbeadle@nd.gov
Recipients	wstenehjem@nd.gov, jodi.smith@nd.gov
Subject	RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:55:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:55:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:55:10.000 AM

Body

§44-04-19.1

Thomas Beadle
ND State Treasurer
Phone: 701-328-2643
Fax: 701-328-3002
tbeadle@nd.gov
www.treasurer.nd.gov

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, December 10, 2021 7:46 AM
To: Smith, Jodi <jodi.smith@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>
Subject: FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

Jodi and Tom,

§44-04-19.1

From: Melissa Holyoak <melissaholyoak@agutah.gov>
Sent: Friday, December 10, 2021 12:52 AM
To: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov>
Cc: Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov>; Cecilia Lesmes <clesmes@agutah.gov>
Subject: RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello All,

Body	§44-04-19.1 Thanks! Melissa **From:** Melissa Holyoak **Sent:** Wednesday, December 8, 2021 4:58 PM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov> **Subject:** ERISA ESG Comment Letter -- Deadline 12/13 at 3 pm ET Hello All, §44-04-19.1 Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	image001[14257].jpg, 16018.docx

Record 1081

Sender Name	Tiffany Hernandez
Sender Email	Tiffany.Hernandez@oag.texas.gov
Subject	FW: AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 2:41:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 2:41:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 2:41:53.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello, We are working on logistics for the events on the attached agenda and would like to have a good headcount to pass along to our counterparts in McAllen. Please let me know by **3:00 PM CST on Monday, January 10th** if you plan on attending and how many people you will be bringing with you, security included. If you are bringing security, please send me a good contact so we can pass that along to our security team. I will also need a good ground contact for the week of as we move through the event. Be on the lookout for security detail briefing next week and hopefully a final agenda. As always, feel free to call or text me anytime. Thank you, **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144 **From:** Tiffany Hernandez <Tiffany.Hernandez@oag.texas.gov> **Sent:** Wednesday, January 5, 2022 8:03 PM **Subject:** AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022 Good evening, Thank you for your interest in the upcoming Texas Attorney General Ken Paxton's Border Summit in McAllen, TX. I will be your point of contact for all things travel related before and during the event. Attached is a draft agenda, which will be finalized in the coming weeks, along with travel information for you and your staff. My personal cell phone number is 512.695.7144, please do not hesitate to call or text me at any time if you should have questions, comments, or concerns. We look forward to seeing you at this very important event! Have a wonderful evening! Respectfully, **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144
Attachments	image004[15178].png, 15917.pdf, 15918.pdf

Record 1082

Sender Name	Tiffany Hernandez
Sender Email	Tiffany.Hernandez@oag.texas.gov
Subject	FW: AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 2:41:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 2:41:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 2:41:53.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello, We are working on logistics for the events on the attached agenda and would like to have a good headcount to pass along to our counterparts in McAllen. Please let me know by **3:00 PM CST on Monday, January 10th** if you plan on attending and how many people you will be bringing with you, security included. If you are bringing security, please send me a good contact so we can pass that along to our security team. I will also need a good ground contact for the week of as we move through the event. Be on the lookout for security detail briefing next week and hopefully a final agenda. As always, feel free to call or text me anytime. Thank you, **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144 **From:** Tiffany Hernandez <Tiffany.Hernandez@oag.texas.gov> **Sent:** Wednesday, January 5, 2022 8:03 PM **Subject:** AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022 Good evening, Thank you for your interest in the upcoming Texas Attorney General Ken Paxton's Border Summit in McAllen, TX. I will be your point of contact for all things travel related before and during the event. Attached is a draft agenda, which will be finalized in the coming weeks, along with travel information for you and your staff. My personal cell phone number is 512.695.7144, please do not hesitate to call or text me at any time if you should have questions, comments, or concerns. We look forward to seeing you at this very important event! Have a wonderful evening! Respectfully, **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144
Attachments	image004[11777].png, 12553.pdf, 12554.pdf

Record 1083

Sender Name	Todd Leatherman
Sender Email	tleatherman@naag.org
Recipients	tleatherman@naag.org
Subject	Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 2:01:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 1:58:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 2:01:21.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent on behalf of Ryan Greenstein to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* The Attached and below are provided by Tracy Nayer in the NC AGO. _____ These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Please keep Tracy Nayer in NC AGO Tnayer@ncdoj.gov posted on your progress.* These comments build on prior comments to which 51 AGs signed on and these comments are the next steps in our collective advocacy and are absolutely significant and consequential so we urge all prior signatories to these comments as well. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records. **Todd E. Leatherman** **Program Counsel, NAGTRI Center for Consumer Protection** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
CC	rgreenstein@naag.org, awynstra@naag.org, tnayer@ncdoj.gov
Attachments	FNPRM-GatewayProviders_Oct2021[15945].pdf, image001[14996].png, image002[14997].png, image003[14998].png, image004[14999].jpg, image005[15000].png, 15947.pdf, 15946.pdf

Record 1084

Sender Name	Todd Leatherman
Sender Email	tleatherman@naag.org
Recipients	tleatherman@naag.org
Subject	Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 2:01:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 1:58:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 2:01:21.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent on behalf of Ryan Greenstein to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* The Attached and below are provided by Tracy Nayer in the NC AGO. _____ These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Please keep Tracy Nayer in NC AGO Tnayer@ncdoj.gov posted on your progress.* These comments build on prior comments to which 51 AGs signed on and these comments are the next steps in our collective advocacy and are absolutely significant and consequential so we urge all prior signatories to these comments as well. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records. **Todd E. Leatherman** **Program Counsel, NAGTRI Center for Consumer Protection** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
CC	rgreenstein@naag.org, awynstra@naag.org, tnayer@ncdoj.gov
Attachments	FNPRM-GatewayProviders_Oct2021[12581].pdf, image001[11561].png, image002[11562].png, image003[11563].png, image004[11564].jpg, image005[11565].png, 12583.pdf, 12582.pdf

Record 1085

Sender Name	Fisher, Tom
Sender Email	Tom.Fisher@atg.in.gov
Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:55:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:55:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:55:54.000 PM

Body

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

You got my vote, Ben!

TMF

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, December 22, 2021 6:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'John.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <James.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: RE: OSHA ARGUMENT SCHEDULED FOR 1/7

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

I spoke with NFIB. They are happy to divide time, though we postponed the precise division until tomorrow.

I will plan on arguing this, absent any objections

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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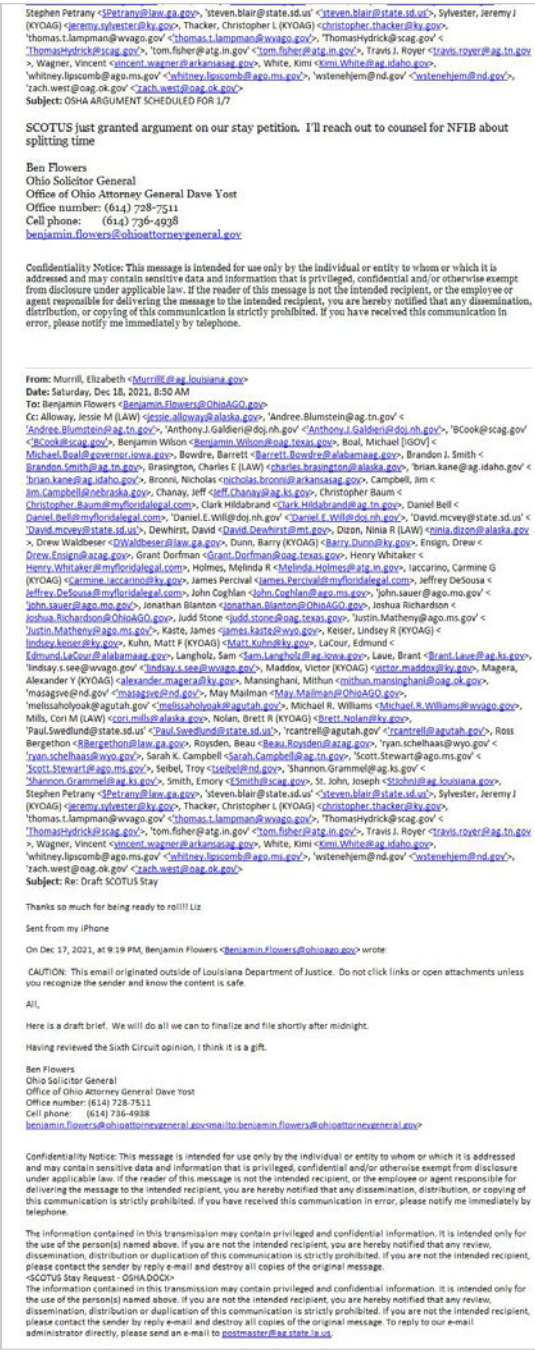
From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Date: Wednesday, Dec 22, 2021, 6:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>, Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <James.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>,

Body	

Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'>
Subject: OSHA ARGUMENT SCHEDULED FOR 1/7

SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Date: Saturday, Dec 18, 2021, 8:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'John.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <James.Kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagove@nd.gov' <'masagove@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'>
Subject: Re: Draft SCOTUS Stay

Thanks so much for being ready to roll!!! Liz

Sent from my iPhone

On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

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All,

Here is a draft brief. We will do all we can to finalize and file shortly after midnight.

Having reviewed the Sixth Circuit opinion, I think it is a gift.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov>

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Sender Name	Fisher, Tom
Sender Email	Tom.Fisher@atg.in.gov
Recipients	Benjamin.Flowers@OhioAGO.gov, MurrillE@ag.louisiana.gov
Subject	RE: OSHA ARGUMENT SCHEDULED FOR 1/7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:55:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:55:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 5:55:54.000 PM

Body

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You got my vote, Ben!

TMF

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, December 22, 2021 6:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'John.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <James.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Subject: RE: OSHA ARGUMENT SCHEDULED FOR 1/7

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I spoke with NFIB. They are happy to divide time, though we postponed the precise division until tomorrow.

I will plan on arguing this, absent any objections

Ben Flowers
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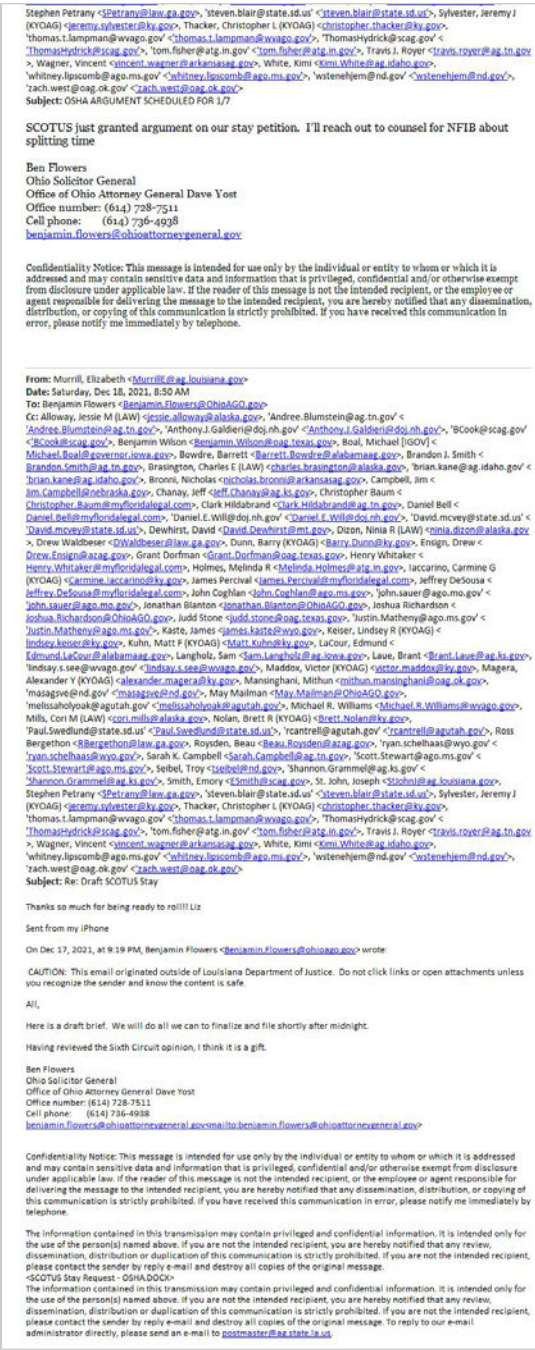
Date: Wednesday, Dec 22, 2021, 6:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>, Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <James.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>,

Body	

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Subject: OSHA ARGUMENT SCHEDULED FOR 1/7

SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time

Ben Flowers
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All,

Here is a draft brief. We will do all we can to finalize and file shortly after midnight.

Having reviewed the Sixth Circuit opinion, I think it is a gift.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
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<SCOTUS Stay Request - OSHA.DOCX>
The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 1087

Sender Name	Travis Svihovec
Sender Email	Travis.Svihovec@bismarcktribune.com
Recipients	wstenehjem@nd.gov
Subject	Thanks
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:51:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:50:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:51:03.000 AM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Mr. Stenehjem, Just a note to say thanks for your years of service to North Dakota. I enjoyed working with you on stories and always appreciated your knowledge of topics and your willingness to give me some of your time. Thanks too for letting Jack take those Scotcheroos. He was kind enough to share them, and honestly I'm not sure I would have done that. Please tell Beth hers are still the best I've ever had. Wishing you all the best, TS Travis Svihovec Reporter Bismarck Tribune 701-250-8260

Record 1088

Sender Name	Travis Svihovec
Sender Email	Travis.Svihovec@bismarcktribune.com
Recipients	wstenehjem@nd.gov
Subject	Thanks
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:51:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:50:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:51:03.000 AM
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Mr. Stenehjem, Just a note to say thanks for your years of service to North Dakota. I enjoyed working with you on stories and always appreciated your knowledge of topics and your willingness to give me some of your time. Thanks too for letting Jack take those Scotcheroos. He was kind enough to share them, and honestly I'm not sure I would have done that. Please tell Beth hers are still the best I've ever had. Wishing you all the best, TS Travis Svihovec Reporter Bismarck Tribune 701-250-8260

Record 1089

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Federal Contractor - OMB comment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:58:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:58:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:58:29.000 AM

Body	FYI…I didn't see you on the list so I don't think you got this. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Wednesday, December 15, 2021 10:28 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Dianna B. Shew <Dianna.Shew@ag.tn.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Carol.O'Brien@OhioAGO.gov; Andree Blumstein <andree.blumstein@ag.tn.gov>; Anthony Galderi (anthony.j.galdieri@doj.nh.gov) <anthony.j.galdieri@doj.nh.gov>; Barrett Bowdre <Barrett.Bowdre@alabamaag.gov>; Beau Roysden <beau.roysden@azag.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook <bcook@scag.gov>; Brant Laue <brant.laue@ag.ks.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Cori Mills <cori.mills@alaska.gov>; Dave Bydaleck <dave.bydalek@nebraska.gov>; David Dewhirst <david.dewhirst@mt.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Eddie LaCour <elacour@ago.state.al.us>; Emory Smith <esmith@scag.gov>; Fisher, Tom <Tom.Fisher@atg.in.gov>; Grant Dorfman <grant.dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; James Kaste <james.kaste@wyo.gov>; Jeff Chanay <jeff.chanay@ag.ks.gov>; Jessie Alloway <jessie.alloway@alaska.gov>; Jim Campbell <jim.campbell@nebraska.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; John Sauer <John.Sauer@ago.mo.gov>; Judd Stone <judd.stone@oag.texas.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See <lindsay.s.see@wvago.gov>; Liz Murrill <murrille@ag.louisiana.gov>; Melinda Combs <Melinda.Holmes@atg.in.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Mithun Mansinghani <mithun.mansinghani@oag.ok.gov>; Nick Bronni <nicholas.bronni@arkansasag.gov>; Paul Swedlund <paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ross Bergethon <RBergethon@LAW.GA.GOV>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Sarah Campbell <sarah.campbell@ag.tn.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Stephen Petrany <SPetrany@law.ga.gov>; Thomas Hydrick <thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson <tjohnson@law.ga.gov>; Seibel, Troy T. <tseibel@nd.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West <zach.west@oag.ok.gov> **Cc:** Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Stephen.Carney@OhioAGO.gov **Subject:** Federal Contractor - OMB comment **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, In connection with our litigation challenging the Federal Contractor Mandate, Kentucky, Ohio and Tennessee have discussed filing a comment letter in opposition to the OMB Determination relating to that mandate. Attached is the draft comment prepared by Kentucky. In light of the additional challenges that have been filed and the broader interest in the issue, we would invite any other AG's who would like to join these comments to do so. The comment letter is due TOMORROW, 12/16. Accordingly, if interested in joining, please let me know by noon (12:00 EST) tomorrow (Thursday), and provide a copy of your AG's signature block for inclusion. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
Attachments	16002.docx

Record 1090

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Federal Contractor - OMB comment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:58:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:58:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:58:29.000 AM

Body	FYI…I didn't see you on the list so I don't think you got this. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Wednesday, December 15, 2021 10:28 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Dianna B. Shew <Dianna.Shew@ag.tn.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Carol.O'Brien@OhioAGO.gov; Andree Blumstein <andree.blumstein@ag.tn.gov>; Anthony Galderi (anthony.j.galdieri@doj.nh.gov) <anthony.j.galdieri@doj.nh.gov>; Barrett Bowdre <Barrett.Bowdre@alabamaag.gov>; Beau Roysden <beau.roysden@azag.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook <bcook@scag.gov>; Brant Laue <brant.laue@ag.ks.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Cori Mills <cori.mills@alaska.gov>; Dave Bydaleck <dave.bydalek@nebraska.gov>; David Dewhirst <david.dewhirst@mt.gov>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Eddie LaCour <elacour@ago.state.al.us>; Emory Smith <esmith@scag.gov>; Fisher, Tom <Tom.Fisher@atg.in.gov>; Grant Dorfman <grant.dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; James Kaste <james.kaste@wyo.gov>; Jeff Chanay <jeff.chanay@ag.ks.gov>; Jessie Alloway <jessie.alloway@alaska.gov>; Jim Campbell <jim.campbell@nebraska.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; John Sauer <John.Sauer@ago.mo.gov>; Judd Stone <judd.stone@oag.texas.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See <lindsay.s.see@wvago.gov>; Liz Murrill <murrille@ag.louisiana.gov>; Melinda Combs <Melinda.Holmes@atg.in.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Mithun Mansinghani <mithun.mansinghani@oag.ok.gov>; Nick Bronni <nicholas.bronni@arkansasag.gov>; Paul Swedlund <paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ross Bergethon <RBergethon@LAW.GA.GOV>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Sarah Campbell <sarah.campbell@ag.tn.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Stephen Petrany <SPetrany@law.ga.gov>; Thomas Hydrick <thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson <tjohnson@law.ga.gov>; Seibel, Troy T. <tseibel@nd.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West <zach.west@oag.ok.gov> **Cc:** Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Stephen.Carney@OhioAGO.gov **Subject:** Federal Contractor - OMB comment **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, In connection with our litigation challenging the Federal Contractor Mandate, Kentucky, Ohio and Tennessee have discussed filing a comment letter in opposition to the OMB Determination relating to that mandate. Attached is the draft comment prepared by Kentucky. In light of the additional challenges that have been filed and the broader interest in the issue, we would invite any other AG's who would like to join these comments to do so. The comment letter is due TOMORROW, 12/16. Accordingly, if interested in joining, please let me know by noon (12:00 EST) tomorrow (Thursday), and provide a copy of your AG's signature block for inclusion. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
Attachments	12644.docx

Record 1091

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:34:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:34:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:34:18.000 PM

Body	Very quiet. Knock on wood. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:33:31 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1092

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:34:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:34:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:34:18.000 PM
Body	Very quiet. Knock on wood. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:33:31 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1093

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	Re: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:33:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:33:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:33:54.000 AM

Body

Nothing to race back to here. -22 this morning.

Get Outlook for iOS
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 29, 2021 6:22:06 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: FW: Your Flight Was Canceled. Here's Your New Itinerary

As you can see, our flight home for today has been cancelled.
We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow.
I have that one opinion that Ally says must be out before next week so I will be working on that today.
Let me know if there's anything else I need to do before the end of the year.
Wayne

From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

You have already been booked on the best available option.

DELTA

SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,
Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans and apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul, Minnes~~ ~~7:30 PM~~
~~Delta 3603~~ ~~Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota~~ ~~10:45 PM~~	~~Bismarck,North Dakota~~ ~~12:26 PM~~

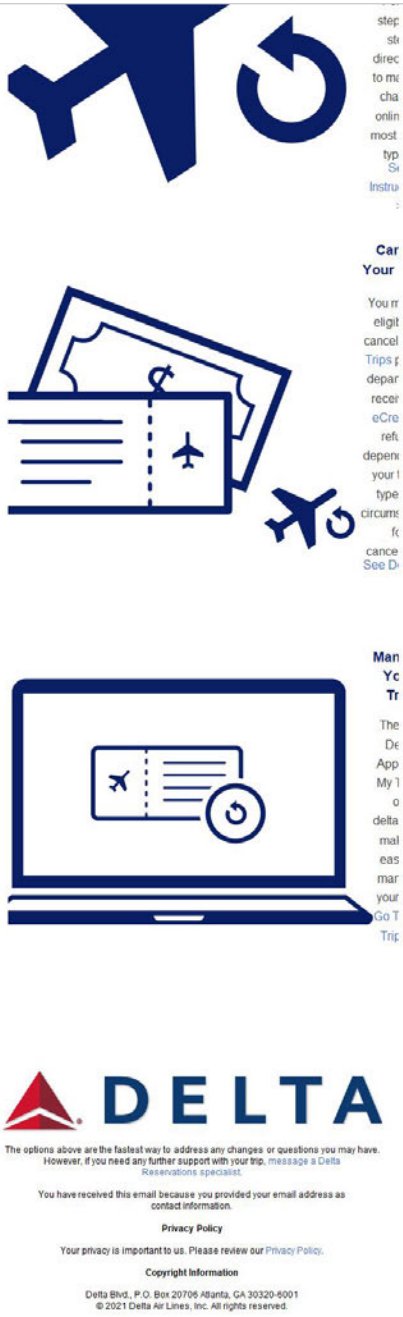
FLIGHT	SEAT
Delta 1893	Choose Seat
Delta 3603	Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

Pic
Ne
Fli

Fol

Body	

Record 1094

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov, lbrocker@nd.gov
Subject	Re: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:33:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:33:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:33:54.000 AM

Body

Nothing to race back to here. -22 this morning.

Get Outlook for iOS
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 29, 2021 6:22:06 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: FW: Your Flight Was Canceled. Here's Your New Itinerary

As you can see, our flight home for today has been cancelled.
We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow.
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Let me know if there's anything else I need to do before the end of the year.
Wayne

From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

You have already been booked on the best available option.

DELTA

SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,
Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans and apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul, Minnes~~ ~~7:30 PM~~
~~Delta 3603~~ ~~Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota~~ ~~10:45 PM~~	~~Bismarck,North Dakota~~ ~~12:26 PM~~

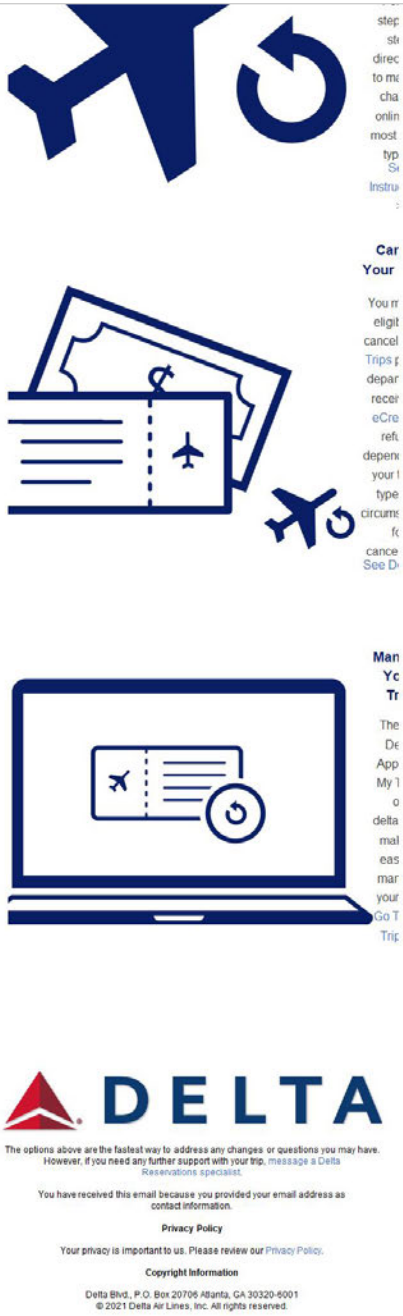
FLIGHT	SEAT
Delta 1893	Choose Seat
Delta 3603	Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

Pic
Ne
Fli

Fol

Body	

Record 1095

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Ethics Commission Opinion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:44:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:44:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:44:59.000 AM

Body	I have visited with Ally about the Ethics Commission opinion. I think the opinion is in good shape, including the footnote you had her draft. She has proposed an alternative footnote, which we will send to you. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov

Record 1096

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Ethics Commission Opinion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:44:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:44:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:44:59.000 AM
Body	I have visited with Ally about the Ethics Commission opinion. I think the opinion is in good shape, including the footnote you had her draft. She has proposed an alternative footnote, which we will send to you. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov

Record 1097

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: Head Start Rule Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 7:01:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 7:01:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 7:01:21.000 AM

Body	Get Outlook for iOS **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Wednesday, December 29, 2021 9:44:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** RE: Head Start Rule Comment Letter ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Attached is an updated version of the Head Start Rule comment letter prepared by Kentucky and Louisiana. Responding to a good suggestion from Kansas, we have added a section addressing the Rule's violation of the Congressional Review Act ("CRA"). This new section is highlighted at pages 5-6 in the attached version. In addition to Kentucky and Louisiana, at this point we have received sign-ons from Kansas, Mississippi, South Dakota, Georgia, Alaska, Indiana, Oklahoma, Ohio, Alabama, and South Carolina. Unless I hear otherwise, I will assume that those that have already signed-on are fine with the new section. **If anyone else would like to sign-on, please let me know by 12:00 (noon) EST Thursday, December 30**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Tuesday, December 28, 2021 11:01 AM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov> **Subject:** Head Start Rule Comment Letter ****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.** All, In connection with our litigation challenging the Interim Final Rule, 86 Fed. Reg. 68,052 (November 30, 2021), entitled "Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs" (the "Head Start Rule"), Kentucky and Louisiana have prepared the attached comment letter in opposition to the Head Start Rule. We would invite any other AG's who would like to join these comments to do so, whether or not you are already party to one of the lawsuits challenging the Head Start Rule. The comment letter is due Thursday, 12/30. Accordingly, if interested in joining, please let me know by noon (12:00 EST) on Thursday (12/30), and provide a copy of your AG's electronic signature for inclusion at the end of the comment letter. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
Attachments	15012.docx

Record 1098

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Fwd: Head Start Rule Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 7:01:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 7:01:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 7:01:21.000 AM

Body	Get Outlook for iOS **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Wednesday, December 29, 2021 9:44:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** RE: Head Start Rule Comment Letter ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Attached is an updated version of the Head Start Rule comment letter prepared by Kentucky and Louisiana. Responding to a good suggestion from Kansas, we have added a section addressing the Rule's violation of the Congressional Review Act ("CRA"). This new section is highlighted at pages 5-6 in the attached version. In addition to Kentucky and Louisiana, at this point we have received sign-ons from Kansas, Mississippi, South Dakota, Georgia, Alaska, Indiana, Oklahoma, Ohio, Alabama, and South Carolina. Unless I hear otherwise, I will assume that those that have already signed-on are fine with the new section. **If anyone else would like to sign-on, please let me know by 12:00 (noon) EST Thursday, December 30**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Tuesday, December 28, 2021 11:01 AM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov> **Subject:** Head Start Rule Comment Letter ****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.** All, In connection with our litigation challenging the Interim Final Rule, 86 Fed. Reg. 68,052 (November 30, 2021), entitled "Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs" (the "Head Start Rule"), Kentucky and Louisiana have prepared the attached comment letter in opposition to the Head Start Rule. We would invite any other AG's who would like to join these comments to do so, whether or not you are already party to one of the lawsuits challenging the Head Start Rule. The comment letter is due Thursday, 12/30. Accordingly, if interested in joining, please let me know by noon (12:00 EST) on Thursday (12/30), and provide a copy of your AG's electronic signature for inclusion at the end of the comment letter. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
Attachments	12580.docx

Record 1099

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Feland's Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:38:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:38:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:38:54.000 AM

Body	Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Titus, Courtney R. <ctitus@nd.gov> **Sent:** Wednesday, January 5, 2022 11:34 AM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Feland's Order Here you go. **Courtney R. Titus** Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501-4509 Direct: (701) 328-3644 ctitus@nd.gov **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, January 5, 2022 11:32 AM **To:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** Feland's Order Courtney, Can you email me a copy of Feland's order in the ETP open records case? Thanks. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov
Attachments	15932.pdf

Record 1100

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: Feland's Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:38:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:38:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 11:38:54.000 AM

Body	Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Titus, Courtney R. <ctitus@nd.gov> **Sent:** Wednesday, January 5, 2022 11:34 AM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Feland's Order Here you go. **Courtney R. Titus** Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501-4509 Direct: (701) 328-3644 ctitus@nd.gov **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, January 5, 2022 11:32 AM **To:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** Feland's Order Courtney, Can you email me a copy of Feland's order in the ETP open records case? Thanks. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov
Attachments	12568.pdf

Record 1101

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	lbrocker@nd.gov, wstenehjem@nd.gov
Subject	FW: FYI re Pembina SA Removal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:00:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:00:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:00:11.000 PM

Body	FYI…. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Jaeger, Al A. <ajaeger@nd.gov> **Sent:** Thursday, January 6, 2022 9:04 AM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FYI re Pembina SA Removal Troy, in response to the following message, I am sending a response to Mr. Reilly today, which is attached. Also this morning, I became aware of his letter to the editor, which I have attached too. **From:** clyde reilly <clydecarol1973@gmail.com> **Sent:** Monday, January 3, 2022 6:11 AM **To:** Oliver, Lee A. <loliver@nd.gov> **Subject:** Flanders Hey Lee Ann Oliver, We successfully conducted a recall petition here in Pembina County this past summer. You were most helpful for us to understand the process and get the details for the petition right. I must acknowledge that our County Auditor Linda Schlintenhard was also very cooperative and helpful. The electors of Pembina County were given an opportunity to affect change and the incumbent county commissioner was soundly defeated and the candidate that we endorsed has been seated. The result of the process was a good thing but there is more to do. Loren Estad, one of us Despicable, Radical, Anarchists from Crystal emailed to the Office of Attorney General of North Dakota a petition to conduct an investigation of Pembina County States Attorney Rebecca Flanders according to NDCC 44-11. A copy of this petition was also sent by Loren Estad to the Secretary of State. Attached Lee Ann, is a copy of the response to us from the AG and a copy of that was provided to the Secretary of State. We the people of Pembina County are desperately in need of the remedy provided by law. Prior to the signature gathering that I, Clyde Reilly conducted, a query was sent to the AG asking if there was a format or instructions for the petition needed to move forward with NDCC 44-11. The response to this question from the Office of Attorney General of ND was, "No there is not.", so I proceeded to collect about 80 signatures though only 50 were needed.. Based on this response and the letter attached it would be obvious that the AG would rather not conduct the investigation of our rogue States Attorney Flanders. Note paragraph three of the letter of refusal to do their job from the AG, skip the first sentence as the petition did state the charges. In the second part of the paragraph the writer passes the buck to the Office of Secretary of State(NDCC16.1-01) and the explanation is vague. I also don't understand what is meant by the last sentence that individual pages of the petition be verified. Can you please help unravel the mystery of NDCC 44-11. I get it that the AG doesn't want to do this but it is needed desperately and the law requires it to be done. I fully expected the petition that I presented to be rejected, I gave them obvious reasons to do so, no affidavit by the collector being the main one. I am confused by the last line of paragraph three in the rejection letter where verification of each page of the petition is "apparently" required by NDCC 44-11-03. Seems a bit vague and kind of a stretch. If the petition that I presented to the AG is totally unusable then I am fully prepared to do it again but next time I would like the advice of the Office of Secretary of State now that the AG has referenced it even though there is no mention of Secretary of State in NDCC 44-11. "Apparently". Have a Happy New Year Lee Ann Oliver Clyde Reilly at Stokesville 12-31-21
Attachments	15925.pdf, 15927.pdf, 15926.pdf

Record 1102

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	lbrocker@nd.gov, wstenehjem@nd.gov
Subject	FW: FYI re Pembina SA Removal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:00:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:00:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:00:11.000 PM

Body	FYI…. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Jaeger, Al A. <ajaeger@nd.gov> **Sent:** Thursday, January 6, 2022 9:04 AM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FYI re Pembina SA Removal Troy, in response to the following message, I am sending a response to Mr. Reilly today, which is attached. Also this morning, I became aware of his letter to the editor, which I have attached too. **From:** clyde reilly <clydecarol1973@gmail.com> **Sent:** Monday, January 3, 2022 6:11 AM **To:** Oliver, Lee A. <loliver@nd.gov> **Subject:** Flanders Hey Lee Ann Oliver, We successfully conducted a recall petition here in Pembina County this past summer. You were most helpful for us to understand the process and get the details for the petition right. I must acknowledge that our County Auditor Linda Schlintenhard was also very cooperative and helpful. The electors of Pembina County were given an opportunity to affect change and the incumbent county commissioner was soundly defeated and the candidate that we endorsed has been seated. The result of the process was a good thing but there is more to do. Loren Estad, one of us Despicable, Radical, Anarchists from Crystal emailed to the Office of Attorney General of North Dakota a petition to conduct an investigation of Pembina County States Attorney Rebecca Flanders according to NDCC 44-11. A copy of this petition was also sent by Loren Estad to the Secretary of State. Attached Lee Ann, is a copy of the response to us from the AG and a copy of that was provided to the Secretary of State. We the people of Pembina County are desperately in need of the remedy provided by law. Prior to the signature gathering that I, Clyde Reilly conducted, a query was sent to the AG asking if there was a format or instructions for the petition needed to move forward with NDCC 44-11. The response to this question from the Office of Attorney General of ND was, "No there is not.", so I proceeded to collect about 80 signatures though only 50 were needed.. Based on this response and the letter attached it would be obvious that the AG would rather not conduct the investigation of our rogue States Attorney Flanders. Note paragraph three of the letter of refusal to do their job from the AG, skip the first sentence as the petition did state the charges. In the second part of the paragraph the writer passes the buck to the Office of Secretary of State(NDCC16.1-01) and the explanation is vague. I also don't understand what is meant by the last sentence that individual pages of the petition be verified. Can you please help unravel the mystery of NDCC 44-11. I get it that the AG doesn't want to do this but it is needed desperately and the law requires it to be done. I fully expected the petition that I presented to be rejected, I gave them obvious reasons to do so, no affidavit by the collector being the main one. I am confused by the last line of paragraph three in the rejection letter where verification of each page of the petition is "apparently" required by NDCC 44-11-03. Seems a bit vague and kind of a stretch. If the petition that I presented to the AG is totally unusable then I am fully prepared to do it again but next time I would like the advice of the Office of Secretary of State now that the AG has referenced it even though there is no mention of Secretary of State in NDCC 44-11. "Apparently". Have a Happy New Year Lee Ann Oliver Clyde Reilly at Stokesville 12-31-21
Attachments	12561.pdf, 12563.pdf, 12562.pdf

Record 1103

Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: FDA Comment Letter Packet led by AG Tong and AG Yost
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:10.000 AM

Body	Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Connell, Paul W. <PConnell@cozen.com> **Sent:** Wednesday, January 12, 2022 4:41 PM **To:** Connell, Paul W. <PConnell@cozen.com> **Subject:** FDA Comment Letter Packet led by AG Tong and AG Yost ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon – I wanted to be sure you saw this and that your office didn't miss the opportunity to join this important letter led by Connecticut and Ohio. The deadline to join is 5 pm on Friday. Thank you. Paul COZEN O'CONNOR **Paul Connell** **Member | Cozen O'Connor** 123 North Wacker Drive, Suite 1800 | Chicago, IL 60606 P: 312-382-3179 F: 312-239-3453 Email | Map | cozen.com
Attachments	15895.pdf

Record 1104

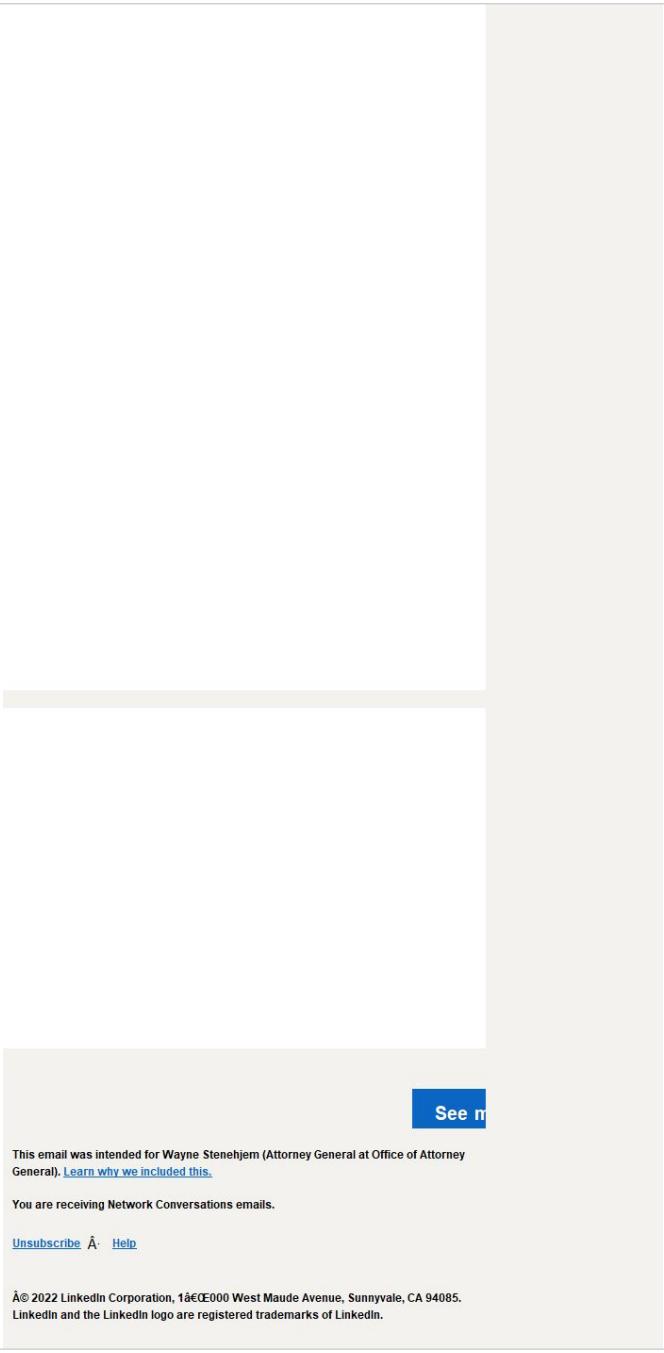
Sender Name	Seibel, Troy T.
Sender Email	tseibel@nd.gov
Recipients	wstenehjem@nd.gov
Subject	FW: FDA Comment Letter Packet led by AG Tong and AG Yost
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:18:10.000 AM

Body	Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Connell, Paul W. <PConnell@cozen.com> **Sent:** Wednesday, January 12, 2022 4:41 PM **To:** Connell, Paul W. <PConnell@cozen.com> **Subject:** FDA Comment Letter Packet led by AG Tong and AG Yost ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon – I wanted to be sure you saw this and that your office didn't miss the opportunity to join this important letter led by Connecticut and Ohio. The deadline to join is 5 pm on Friday. Thank you. Paul COZEN O'CONNOR **Paul Connell** **Member | Cozen O'Connor** 123 North Wacker Drive, Suite 1800 | Chicago, IL 60606 P: 312-382-3179 F: 312-239-3453 Email | Map | cozen.com
Attachments	11900.pdf

Record 1105

Sender Name	LinkedIn
Sender Email	updates-noreply@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	Sheri Haugen-Hoffart recently posted
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 7:02:38.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 7:02:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 7:02:38.000 PM

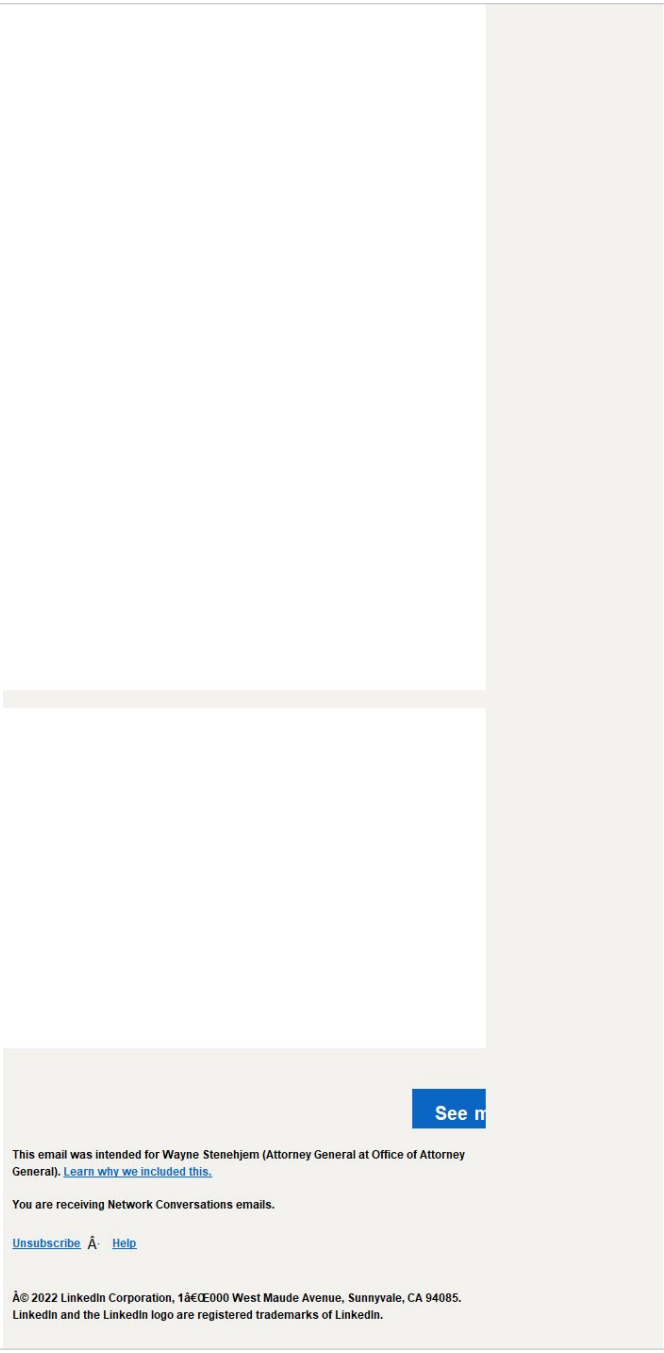
Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 1106

Sender Name	LinkedIn
Sender Email	updates-noreply@linkedin.com
Recipients	wstenehjem@nd.gov
Subject	Sheri Haugen-Hoffart recently posted
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 7:02:38.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 7:02:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 7:02:38.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Body	

Record 1107

Sender Name	Will Castleberry
Sender Email	wcastleberry@fb.com
Recipients	wcastleberry@fb.com
Subject	Leaving Facebook...
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:11:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:10:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:11:06.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hey All (AGs) included. I wanted to let folks know that I will be leaving Facebook at the end of the year. First, thank you. It has been a remarkable honor to work with you and your offices. Over the past ten years, we have set the standard for how companies and AGs can work together to combat harm and educate consumers. The AG-escalation channel and law enforcement portal, as well as our policy work combating issues from online predation to price gouging, have made a significant difference in people's lives. I firmly believe your offices are the single most effective channel for protecting people from serious harm and I am constantly inspired by how solemnly you take that responsibility. Of course, there were times when you had serious questions and concerns, which you did not hesitate to raise with me. Despite the gravity of some of those conversations, your offices were always honest brokers and treated me with nothing but respect and kindness. I will always appreciate your professionalism, decency, and often friendship. In the new year, I will be joining a small firm where I will focus on helping socially-minded companies, organizations, and policymakers tackle hard policy issues. The goal is to shape the issues that will impact society for the next 100 years and ensure that people with good ideas can bring them to market. Starting on January 1, Dan Sachs will be running our AG outreach program. I will be working with him to ensure the transition is smooth in the new year. All of you who know Dan recognize what a fantastic job he will do in this role. He and I approached issues the same way, but he has much better spelling and grammar. He asked me to pass on his contact information along with his assurance that the company's commitment to working with you and your teams will not change. (dans@fb.com 202.716.2172) Please have a wonderful holiday and, again, thank you for everything. Let me know if you are in Maryland (willcastleberry@gmail.com 202.420.0173) - it would be great to grab a beer or catch an Orioles game*. All the best, Will *O's game offer may exclude certain AG offices, including MA, RI, CT, VT, NH, and ME or any other Red Sox fans.
CC	dans@fb.com, astone@fb.com, lkalani@cozen.com, dmcdaniel@mwbfirm.com, ljs@lutherstrangelaw.com

Record 1108

Sender Name	Will Castleberry
Sender Email	wcastleberry@fb.com
Recipients	wcastleberry@fb.com
Subject	Leaving Facebook...
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:11:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:10:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:11:06.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hey All (AGs) included. I wanted to let folks know that I will be leaving Facebook at the end of the year. First, thank you. It has been a remarkable honor to work with you and your offices. Over the past ten years, we have set the standard for how companies and AGs can work together to combat harm and educate consumers. The AG-escalation channel and law enforcement portal, as well as our policy work combating issues from online predation to price gouging, have made a significant difference in people's lives. I firmly believe your offices are the single most effective channel for protecting people from serious harm and I am constantly inspired by how solemnly you take that responsibility. Of course, there were times when you had serious questions and concerns, which you did not hesitate to raise with me. Despite the gravity of some of those conversations, your offices were always honest brokers and treated me with nothing but respect and kindness. I will always appreciate your professionalism, decency, and often friendship. In the new year, I will be joining a small firm where I will focus on helping socially-minded companies, organizations, and policymakers tackle hard policy issues. The goal is to shape the issues that will impact society for the next 100 years and ensure that people with good ideas can bring them to market. Starting on January 1, Dan Sachs will be running our AG outreach program. I will be working with him to ensure the transition is smooth in the new year. All of you who know Dan recognize what a fantastic job he will do in this role. He and I approached issues the same way, but he has much better spelling and grammar. He asked me to pass on his contact information along with his assurance that the company's commitment to working with you and your teams will not change. (dans@fb.com 202.716.2172) Please have a wonderful holiday and, again, thank you for everything. Let me know if you are in Maryland (willcastleberry@gmail.com 202.420.0173) - it would be great to grab a beer or catch an Orioles game*. All the best, Will *O's game offer may exclude certain AG offices, including MA, RI, CT, VT, NH, and ME or any other Red Sox fans.
CC	dans@fb.com, astone@fb.com, lkalani@cozen.com, dmcdaniel@mwbfirm.com, ljs@lutherstrangelaw.com

Record 1109

Sender Name	wstenehjem@aol.com
Sender Email	wstenehjem@aol.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: UND Forensic Science
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 5:35:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 5:36:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 5:35:40.000 PM

Body	***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** -----Original Message----- From: Rundquist, Bradley <bradley.rundquist@und.edu> To: wstenehjem@aol.com <wstenehjem@aol.com> Sent: Mon, 1 Nov 2021 10:32 Subject: UND Forensic Science Dear Attorney General Stenehjem – I am sorry that I missed you when you stopped into my office during Homecoming week. I understand that you met with Dr. Lavinia Iancu, our new director of Forensic Studies. She and I are both supportive of doing all we can to meet the needs of the state's crime labs. We have more than 100 majors in Forensic Science consistently, and we are open to aligning our curriculum so that our graduates enter the workforce with the skills they need. I am happy to discuss this further at your convenience. Best wishes, Brad Bradley C. Rundquist, Ph.D. Dean, College of Arts & Sciences University of North Dakota Columbia Hall, Room 1930 501 N. Columbia Road, Stop 8038 Grand Forks, ND 58202-8038 701-777-2749 **Email:** bradley.rundquist@und.edu

Record 1110

Sender Name	wstenehjem@aol.com
Sender Email	wstenehjem@aol.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: State-Federal River Dispute - Continental Interpleader Case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:52:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:52:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:52:20.000 AM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

-----Original Message-----
From: Charles Carvell <cmc@pearce-durick.com>
To: wstenehjem@aol.com <wstenehjem@aol.com>
CC: Verleger, Jennifer L. <jverleger@nd.gov>; dpgarner@nd.gov <dpgarner@nd.gov>; Smith, Jodi A. <jodi.smith@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Sent: Wed, 15 Dec 2021 11:49
Subject: FW: State-Federal River Dispute - Continental Interpleader Case

§44-04-19.1

Charles

Charles M. Carvell | Attorney

Pearce Durick PLLC

314 E. Thayer Avenue
Bismarck, ND 58502
Main 701.223.2890 | Direct 701.333.0117 | Fax 701.223.7865
www.pearce-durick.com

Note: This e-mail contains information from the law firm of Pearce Durick PLLC that may be proprietary, confidential, or privileged. If you are not the intended recipient and have received this email in error, please delete it and contact me.

From: Charles Carvell
Sent: Monday, December 6, 2021 8:52 AM
To: wstenehjem@aol.com
Cc: dpgarner@nd.gov; Verleger, Jennifer L. <jverleger@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Smith, Jodi A. <jodi.smith@nd.gov>
Subject: State-Federal River Dispute

Body	Wayne, §44-04-19.1 [redacted] Charles Charles M. Carvell | Attorney Pearce Durick PLLC 314 E. Thayer Avenue Bismarck, ND 58502 Main 701.223.2890 | Direct 701.333.0117 | Fax 701.223.7865 www.pearce-durick.com Note: This e-mail contains information from the law firm of Pearce Durick PLLC that may be proprietary, confidential, or privileged. If you are not the intended recipient and have received this email in error, please delete it and contact me.
Attachments	image001[14726].jpg

Record 1111

Sender Name	wstenehjem@aol.com
Sender Email	wstenehjem@aol.com
Recipients	wstenehjem@nd.gov
Subject	Fwd: State-Federal River Dispute - Continental Interpleader Case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:52:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:52:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:52:20.000 AM

Body

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

-----Original Message-----
From: Charles Carvell <cmc@pearce-durick.com>
To: wstenehjem@aol.com <wstenehjem@aol.com>
CC: Verleger, Jennifer L. <jverleger@nd.gov>; dpgarner@nd.gov <dpgarner@nd.gov>; Smith, Jodi A. <jodi.smith@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Sent: Wed, 15 Dec 2021 11:49
Subject: FW: State-Federal River Dispute - Continental Interpleader Case

§44-04-19.1

Charles

Charles M. Carvell | Attorney

Pearce Durick PLLC

314 E. Thayer Avenue
Bismarck, ND 58502
Main 701.223.2890 | Direct 701.333.0117 | Fax 701.223.7865
www.pearce-durick.com

Note: This e-mail contains information from the law firm of Pearce Durick PLLC that may be proprietary, confidential, or privileged. If you are not the intended recipient and have received this email in error, please delete it and contact me.

From: Charles Carvell
Sent: Monday, December 6, 2021 8:52 AM
To: wstenehjem@aol.com
Cc: dpgarner@nd.gov; Verleger, Jennifer L. <jverleger@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Smith, Jodi A. <jodi.smith@nd.gov>
Subject: State-Federal River Dispute

Body	Wayne, §44-04-19.1 Charles Charles M. Carvell | Attorney Pearce Durick PLLC 314 E. Thayer Avenue Bismarck, ND 58502 Main 701.223.2890 | Direct 701.333.0117 | Fax 701.223.7865 www.pearce-durick.com Note: This e-mail contains information from the law firm of Pearce Durick PLLC that may be proprietary, confidential, or privileged. If you are not the intended recipient and have received this email in error, please delete it and contact me.
Attachments	image001[11240].jpg

Record 1112

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	federal contracts
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 6:37:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 6:37:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 6:37:00.000 AM
Body	Matt: FYI https://www.grandforksherald.com/news/education/7267227-UND-evaluates-federal-contracts-to-see-how-many-employees-fall-under-federal-vaccine-mandate

Record 1113

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	federal contracts
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 6:37:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 6:37:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 6:37:00.000 AM
Body	Matt: FYI https://www.grandforksherald.com/news/education/7267227-UND-evaluates-federal-contracts-to-see-how-many-employees-fall-under-federal-vaccine-mandate

Record 1114

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: federal contracts
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 8:23:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 8:23:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 8:23:00.000 AM

Body	**UND evaluates federal contracts to see how many employees fall under federal vaccine mandate** It's a state of flux at UND right now, as the school needs to renegotiate federal contracts on a case-by-case basis. That doesn't necessarily mean changing the dollar amount of those contracts, but including language that requires workers on those projects to be vaccinated. UND has more than $100 million in active federal contracts for research and educational programs. At present, the contractors of two of those deals have requested UND add language requiring vaccines. The Biden administration issued the mandate on Sept. 9. Written By: Adam Kurtz | 6:00 am, Nov. 4, 2021 In the wake of a federal coronavirus vaccine mandate, UND administrators are reviewing the school's federal contracts and are working to determine how many employees need to be vaccinated. It's a state of flux at UND right now, as the school needs to renegotiate federal contracts on a case-by-case basis. That doesn't necessarily mean changing the dollar amount of those contracts, but including language that requires workers on those projects to be vaccinated. UND has more than $100 million in active federal contracts for research and educational programs. At present, the contractors of two of those deals have requested UND add language requiring vaccines. The Biden administration issued the mandate on Sept. 9. "The bottom line is everybody's trying to figure this out, especially at the university level," said John Mihelich, interim vice president for research and economic development. The State Board of Higher Education OK'd a motion at its most recent meeting that gives state universities and colleges the authority to require some employees be vaccinated. The alternative could have potentially been the loss of hundreds of millions of dollars for those institutions. The two contracts at UND that are in the process of being modified come from the U.S. Department of Energy and General Services Administration. The value of those contracts could be up to $20 million. The contracts involve work being done with national defense, technology and biomedical research companies Leidos, and Applied Research Associates. According to Mihelich, contracts beginning on or after Nov. 14 must include language about requiring vaccinated workers. Ongoing contracts awarded before Oct. 15 must also include the language if they are extended or modified. Contracts entered into between those dates can only encourage the specific vaccination language. It's unclear how many of UND's 2,460 benefited staff and faculty members will be required to get the shots. The university has not required employees to disclose their vaccination status, and until now, it hasn't had to. Administrators are working to determine the number of employees who work on a particular federal contract or subcontract, who will then be informed they need to verify they have been vaccinated. "We're working on how we're going to do that logistically," said Meloney Linder, vice president of marketing and communications. "Our (information technology) folks have identified a program that would allow us to easily be able to let people upload their information, and verify that they're vaccinated." The vaccination mandate will also apply to students and graduate students who are doing work on a federal contract or subcontract. Federal grants are not included in the mandate. In a Tuesday, Nov. 2, message to the campus community, President Andrew Armacost said the school will comply with the mandate, the details of which are still unfolding. More information will be released on who must get the shots and when. Armacost is president of UND. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 4, 2021 8:14 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: federal contracts **I don't have a subscription to this paper, so I can't read it.** **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, November 4, 2021 6:37 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** federal contracts Matt: FYI https://www.grandforksherald.com/news/education/7267227-UND-evaluates-federal-contracts-to-see-how-many-employees-fall-under-federal-vaccine-mandate
Attachments	image001[11401].jpg

Record 1115

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: federal contracts
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 8:23:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 8:23:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 8:23:00.000 AM

Body	**UND evaluates federal contracts to see how many employees fall under federal vaccine mandate** It's a state of flux at UND right now, as the school needs to renegotiate federal contracts on a case-by-case basis. That doesn't necessarily mean changing the dollar amount of those contracts, but including language that requires workers on those projects to be vaccinated. UND has more than $100 million in active federal contracts for research and educational programs. At present, the contractors of two of those deals have requested UND add language requiring vaccines. The Biden administration issued the mandate on Sept. 9. Written By: Adam Kurtz | 6:00 am, Nov. 4, 2021 In the wake of a federal coronavirus vaccine mandate, UND administrators are reviewing the school's federal contracts and are working to determine how many employees need to be vaccinated. It's a state of flux at UND right now, as the school needs to renegotiate federal contracts on a case-by-case basis. That doesn't necessarily mean changing the dollar amount of those contracts, but including language that requires workers on those projects to be vaccinated. UND has more than $100 million in active federal contracts for research and educational programs. At present, the contractors of two of those deals have requested UND add language requiring vaccines. The Biden administration issued the mandate on Sept. 9. "The bottom line is everybody's trying to figure this out, especially at the university level," said John Mihelich, interim vice president for research and economic development. The State Board of Higher Education OK'd a motion at its most recent meeting that gives state universities and colleges the authority to require some employees be vaccinated. The alternative could have potentially been the loss of hundreds of millions of dollars for those institutions. The two contracts at UND that are in the process of being modified come from the U.S. Department of Energy and General Services Administration. The value of those contracts could be up to $20 million. The contracts involve work being done with national defense, technology and biomedical research companies Leidos, and Applied Research Associates. According to Mihelich, contracts beginning on or after Nov. 14 must include language about requiring vaccinated workers. Ongoing contracts awarded before Oct. 15 must also include the language if they are extended or modified. Contracts entered into between those dates can only encourage the specific vaccination language. It's unclear how many of UND's 2,460 benefited staff and faculty members will be required to get the shots. The university has not required employees to disclose their vaccination status, and until now, it hasn't had to. Administrators are working to determine the number of employees who work on a particular federal contract or subcontract, who will then be informed they need to verify they have been vaccinated. "We're working on how we're going to do that logistically," said Meloney Linder, vice president of marketing and communications. "Our (information technology) folks have identified a program that would allow us to easily be able to let people upload their information, and verify that they're vaccinated." The vaccination mandate will also apply to students and graduate students who are doing work on a federal contract or subcontract. Federal grants are not included in the mandate. In a Tuesday, Nov. 2, message to the campus community, President Andrew Armacost said the school will comply with the mandate, the details of which are still unfolding. More information will be released on who must get the shots and when. Armacost is president of UND. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 4, 2021 8:14 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: federal contracts **I don't have a subscription to this paper, so I can't read it.** **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, November 4, 2021 6:37 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** federal contracts Matt: FYI https://www.grandforksherald.com/news/education/7267227-UND-evaluates-federal-contracts-to-see-how-many-employees-fall-under-federal-vaccine-mandate
Attachments	image001[7950].jpg

Record 1116

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, lbrocker@nd.gov
Subject	RE: Vaccine Mandate/Fed. Contractor
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 9:01:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 9:01:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 9:01:00.000 AM

Body	Looks good Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 4, 2021 8:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Vaccine Mandate/Fed. Contractor Could you please review, edit if necessary, and sign the attached for me to file please. The local federal rules only require a letter. Matt

Record 1117

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, lbrocker@nd.gov
Subject	RE: Vaccine Mandate/Fed. Contractor
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 9:01:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 9:01:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 9:01:00.000 AM
Body	Looks good Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 4, 2021 8:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Vaccine Mandate/Fed. Contractor Could you please review, edit if necessary, and sign the attached for me to file please. The local federal rules only require a letter. Matt

Record 1118

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: EPA Coordination Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 11:14:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 11:14:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 11:14:00.000 AM

Body	Yes. And Paul is involved in this as well. I will be involved in the Legislative Session issues and won't be able to attend. I know you let me know how it goes. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 4, 2021 11:12 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: EPA Coordination Call Do you want me to participate in this coordination call for the supreme court case? **From:** DeLaquil, Mark <mdelaquil@bakerlaw.com> **Sent:** Thursday, November 4, 2021 8:02 AM **To:** Lindsay S. See <Lindsay.S.See@wvago.gov>; Roth, Yaakov M. <yroth@JonesDay.com>; Wehland, Charles T. <ctwehland@JonesDay.com>; Booher, Martin T. <mbooher@bakerlaw.com>; sebyp@gtlaw.com; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Michael R. Williams <Michael.R.Williams@wvago.gov>; Grossman, Andrew M <agrossman@bakerlaw.com> **Subject:** RE: EPA Coordination Call ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Lindsay, Thanks for organizing. Monday after 3:00 pm ET would work best for me. I can make the Friday afternoon timeslot work as well if that time is better for the group. +Grossman Best regards, Mark **Mark DeLaquil** Partner Washington Square 1050 Connecticut Ave, N.W. | Suite 1100 Washington, DC 20036-5403 T +1.202.861.1527 mdelaquil@bakerlaw.com bakerlaw.com **From:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Sent:** Thursday, November 4, 2021 8:01 AM **To:** Roth, Yaakov M. <yroth@JonesDay.com>; Wehland, Charles T. <ctwehland@JonesDay.com>; DeLaquil, Mark <mdelaquil@bakerlaw.com>; Booher, Martin T. <mbooher@bakerlaw.com>; sebyp@gtlaw.com; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Michael R. Williams <Michael.R.Williams@wvago.gov> **Subject:** EPA Coordination Call [External Email: Use caution when clicking on links or opening attachments.] Good morning, all – For those we haven't talked to yet, congratulations to everyone on last week's cert grant! I think it goes without saying that our office is extremely excited about the Court's decision to hear this important case. We're looking forward to continuing working with you all through the next stages. Can we find a time in the next few days to discuss thoughts on coordinating as co-petitioners during the briefing process? My colleague Michael Williams is joining me heading up the West Virginia team for the State coalition, and we're available for a call tomorrow (Friday) 8:30-10:30 and 1:00-4:00 ET. If early next week is better, Monday after 3:00 ET and most of Tuesday work for us too. Looking forward to talking more soon. Lindsay **Lindsay See** *Solicitor General* Office of the West Virginia Attorney General State Capitol, Bldg 1, Room E-26 Charleston, WV 25305 (681) 313-4550 This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer. Any tax advice in this email is for information purposes only. The content of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities. Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.
Attachments	image001[11397].jpg, image002[11398].png, image003[11399].jpg, image004[11400].jpg

Record 1119

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: EPA Coordination Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 11:14:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 11:14:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 11:14:00.000 AM

Body	Yes. And Paul is involved in this as well. I will be involved in the Legislative Session issues and won't be able to attend. I know you let me know how it goes. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 4, 2021 11:12 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: EPA Coordination Call Do you want me to participate in this coordination call for the supreme court case? **From:** DeLaquil, Mark <mdelaquil@bakerlaw.com> **Sent:** Thursday, November 4, 2021 8:02 AM **To:** Lindsay S. See <Lindsay.S.See@wvago.gov>; Roth, Yaakov M. <yroth@JonesDay.com>; Wehland, Charles T. <ctwehland@JonesDay.com>; Booher, Martin T. <mbooher@bakerlaw.com>; sebyp@gtlaw.com; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Michael R. Williams <Michael.R.Williams@wvago.gov>; Grossman, Andrew M <agrossman@bakerlaw.com> **Subject:** RE: EPA Coordination Call ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Lindsay, Thanks for organizing. Monday after 3:00 pm ET would work best for me. I can make the Friday afternoon timeslot work as well if that time is better for the group. +Grossman Best regards, Mark **Mark DeLaquil** Partner Washington Square 1050 Connecticut Ave, N.W. | Suite 1100 Washington, DC 20036-5403 T +1.202.861.1527 mdelaquil@bakerlaw.com bakerlaw.com **From:** Lindsay S. See <Lindsay.S.See@wvago.gov> **Sent:** Thursday, November 4, 2021 8:01 AM **To:** Roth, Yaakov M. <yroth@JonesDay.com>; Wehland, Charles T. <ctwehland@JonesDay.com>; DeLaquil, Mark <mdelaquil@bakerlaw.com>; Booher, Martin T. <mbooher@bakerlaw.com>; sebyp@gtlaw.com; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Michael R. Williams <Michael.R.Williams@wvago.gov> **Subject:** EPA Coordination Call [External Email: Use caution when clicking on links or opening attachments.] Good morning, all – For those we haven't talked to yet, congratulations to everyone on last week's cert grant! I think it goes without saying that our office is extremely excited about the Court's decision to hear this important case. We're looking forward to continuing working with you all through the next stages. Can we find a time in the next few days to discuss thoughts on coordinating as co-petitioners during the briefing process? My colleague Michael Williams is joining me heading up the West Virginia team for the State coalition, and we're available for a call tomorrow (Friday) 8:30-10:30 and 1:00-4:00 ET. If early next week is better, Monday after 3:00 ET and most of Tuesday work for us too. Looking forward to talking more soon. Lindsay **Lindsay See** *Solicitor General* Office of the West Virginia Attorney General State Capitol, Bldg 1, Room E-26 Charleston, WV 25305 (681) 313-4550 This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer. Any tax advice in this email is for information purposes only. The content of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities. Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.
Attachments	image001[7958].jpg, image002[7959].png, image003[7960].jpg, image004[7961].jpg

Record 1120

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: UND - update
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 1:07:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 1:07:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 1:07:00.000 PM

Body	This is a great start!! Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Thursday, November 4, 2021 12:52 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** UND - update Lavinia just sent me an email. She asked me to review the updated curriculum for the Forensic Science concentration in Biology at UND. If it is approved, graduates will meet the FBI Quality Assurance Standards educational requirements. She is also meeting with my friend Tracey Dawson Green (Virginia Commonwealth University) on Monday. Tracey worked at a private lab before starting the graduate program at VCU. She was also very involved in FEPAC and was an officer in the Mid-Atlantic Association of Forensic Scientists (MAAFS). She will be a tremendous source of knowledge for Lavinia. I hired a few graduates of Tracey's program when I was in Delaware… no regrets.

Record 1121

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: UND - update
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 1:07:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 1:07:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 1:07:00.000 PM
Body	This is a great start!! Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Thursday, November 4, 2021 12:52 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** UND - update Lavinia just sent me an email. She asked me to review the updated curriculum for the Forensic Science concentration in Biology at UND. If it is approved, graduates will meet the FBI Quality Assurance Standards educational requirements. She is also meeting with my friend Tracey Dawson Green (Virginia Commonwealth University) on Monday. Tracey worked at a private lab before starting the graduate program at VCU. She was also very involved in FEPAC and was an officer in the Mid-Atlantic Association of Forensic Scientists (MAAFS). She will be a tremendous source of knowledge for Lavinia. I hired a few graduates of Tracey's program when I was in Delaware… no regrets.

Record 1122

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Biden Administration Publishes Vaccine Mandate for Large Businesses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 2:48:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 2:48:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 2:48:00.000 PM

Body

From: The Well News <sbtw@thewellnews.com>
Sent: Thursday, November 4, 2021 2:26 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Biden Administration Publishes Vaccine Mandate for Large Businesses

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

View in browser

The Well NEWS

Saved by The Well

SPONSORED BY PHILIP MORRIS INTERNATIONAL

Thursday, November 4, 2021

Biden Administration Publishes Vaccine Mandate for Large Businesses

The Biden administration rolled out a new COVID-19 vaccine mandate Thursday morning, giving large companies until Jan. 4 to ensure that their workforces are fully vaccinated.

In a conference call with reporters Wednesday night, a senior administration official said the sweeping new measure, which is scheduled to be published in Friday's Federal Register, will apply to about 84 million private sector workers.

The new rule will be enforced by the Occupational Safety and Health Administration. It requires employers with 100 or more employees to ensure each of their workers is fully vaccinated by Jan. 4, and mandates at least weekly testing for unvaccinated employees after that.

The OSHA rule will also require that these employers provide paid time off for employees to get vaccinated, and ensure all unvaccinated workers wear a face mask in the workplace.

"A better future is built around trust, transparency, and inclusion." LEARN MORE

Body

In addition, the Centers for Medicare & Medicaid Services at the Department of Health and Human Services on Thursday announced details of its requirement that health care workers at facilities participating in Medicare and Medicaid are fully vaccinated.

The rule applies to more than 17 million workers at approximately 76,000 health care facilities, including hospitals and long-term care facilities, the White House said.

The administration has previously implemented policies requiring millions of federal employees and federal contractors to be fully vaccinated.

"While we are encouraged to know that vaccination requirements have already helped cut the number of unvaccinated Americans by nearly 40%, it's important to understand that there are still so many workers who are not protected and remain at risk from becoming seriously ill or dying from COVID-19," the administration official said.

"OSHA estimates that this rule will save thousands of lives and prevent over 250,000 hospitalizations during the six months after implementation," the official continued.

A number of major companies have already embraced COVID-19 vaccination policies similar to those imposed by the Biden administration, seeing them as a corporate responsibility.

Others have moved more slowly, waiting for clarification from the government on how they should proceed, who will pay for testing, and how the rules apply to the large number of people who are now working from home for these companies.

The Federal Register listing, which clocks in at 490 pages, is expected to answer many of these questions.

And while the mandate takes effect immediately, it serves as a proposal for a final standard that could extend the vaccine requirements to smaller businesses.

That means OSHA is soliciting comment on a number of questions, including: Have you instituted vaccination mandates (with or without alternatives), or requirements for regular COVID-19 testing or face covering use? What have been the benefits of your approach? What challenges have you had or could you foresee in implementing such programs? Is there anything specific to your industry, or the size of your business, that poses particular obstacles in implementing the requirements in this standard? How much time would it take, what types of costs would you incur, and how much would it cost for you to implement such requirements?

A senior administration official said OSHA will offer compliance assistance to businesses implementing the new standard beginning Thursday, including sample plans, fact sheets, frequently asked questions, and other materials.

POTUS WATCH

It's another light day on President Joe Biden's public schedule as the White House remains focused on getting key parts of the president's agenda passed on Capitol Hill

Body	Biden's day began with him and Vice President Kamala Harris receiving the daily intelligence brief in the Oval Office. Thursday afternoon, Principal Deputy Press Secretary Karine Jean-Pierre will do a briefing with reporters. Thursday night, First Lady Jill Biden is scheduled to attend the White House Historical Association's 60th Anniversary gala in New York. IN OTHER NEWS Speaker Nancy Pelosi continues to maintain she wants a House vote on both the Build Back Better Act and the $1 trillion bipartisan infrastructure bill sooner rather than later — meaning before the weekend. As of Thursday morning, no such votes were on the schedule but Pelosi seems intent on pressuring the Senate to get a move on regarding the budget reconciliation bill, which has been hung up due to a lack of support by Sens. Joe Manchin, D-W.Va. and Kyrsten Sinema, D-Ariz. The prospects for the bills in the House aren't so great either, with moderates wanting time for a Congressional Budget Office analysis of the reconciliation bill and progressives wanting firm promises that the Senate will pass a bill containing all the social programs they want. MOST READ THIS WEEK • Senate Republicans Again Block Voting Rights Bill, Prompting Calls for Filibuster Reform By Reece Nations • Murphy Narrowly Wins Reelection as New Jersey's Governor By Dan McCue • Unemployment Claims Drop to 269,000, Another Pandemic Low By Paul Wiseman The Well News, 777 6th Street, NW, Washington, DC 20001 Unsubscribe Manage preferences
Attachments	image001[11396].png

Record 1123

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Biden Administration Publishes Vaccine Mandate for Large Businesses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 2:48:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 2:48:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/4/2021 2:48:00.000 PM

Body

From: The Well News <sbtw@thewellnews.com>
Sent: Thursday, November 4, 2021 2:26 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Biden Administration Publishes Vaccine Mandate for Large Businesses

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TheWell NEWS

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Thursday, November 4, 2021

Biden Administration Publishes Vaccine Mandate for Large Businesses

The Biden administration rolled out a new COVID-19 vaccine mandate Thursday morning, giving large companies until Jan. 4 to ensure that their workforces are fully vaccinated.

In a conference call with reporters Wednesday night, a senior administration official said the sweeping new measure, which is scheduled to be published in Friday's Federal Register, will apply to about 84 million private sector workers.

The new rule will be enforced by the Occupational Safety and Health Administration. It requires employers with 100 or more employees to ensure each of their workers is fully vaccinated by Jan. 4, and mandates at least weekly testing for unvaccinated employees after that.

The OSHA rule will also require that these employers provide paid time off for employees to get vaccinated, and ensure all unvaccinated workers wear a face mask in the workplace.

"A better future is built around trust, transparency, and inclusion." LEARN MORE

Body

In addition, the Centers for Medicare & Medicaid Services at the Department of Health and Human Services on Thursday announced details of its requirement that health care workers at facilities participating in Medicare and Medicaid are fully vaccinated.

The rule applies to more than 17 million workers at approximately 76,000 health care facilities, including hospitals and long-term care facilities, the White House said.

The administration has previously implemented policies requiring millions of federal employees and federal contractors to be fully vaccinated.

"While we are encouraged to know that vaccination requirements have already helped cut the number of unvaccinated Americans by nearly 40%, it's important to understand that there are still so many workers who are not protected and remain at risk from becoming seriously ill or dying from COVID-19," the administration official said.

"OSHA estimates that this rule will save thousands of lives and prevent over 250,000 hospitalizations during the six months after implementation," the official continued.

A number of major companies have already embraced COVID-19 vaccination policies similar to those imposed by the Biden administration, seeing them as a corporate responsibility.

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Attachments	image001[7975].png

Record 1124

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:33:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:34:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:33:00.000 AM

Body

I have reviewed this letter, and think we should sign on.
Will you let them know, please?
Wayne

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Thursday, November 4, 2021 6:17 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling

Just an update. Looks like 16 states have joined. Here are the states in the last attachment. The deadline is Nov. 10 so we can see how it changes.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

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From: Grossman, Parrell D.
Sent: Monday, October 25, 2021 9:58 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Hetzler, Tonya J. <thetzler@nd.gov>; Card, Brian M. <bmcard@nd.gov>
Subject: Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling

Wayne:

I absolutely recommend North Dakota join in these Reply Comments. Please let me know if you would like to do so and I will take care of it. Thank you for your consideration.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
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Body	*Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, October 25, 2021 10:03 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Fwd: Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Ryan Greenstein <rgreenstein@naag.org> **Sent:** Monday, October 25, 2021 9:55:00 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Nayer, Tracy <tnayer@ncdoj.gov>; Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com> **Subject:** Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached comment letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Wednesday, November 10th** Please see the below attached: 1. FCC notice of rule-making 2. Dear Colleague memo from Attorneys General Moody and Stein and draft reply comments to the FCC in response to its proposals to modify its policies to reduce access to numbers by potential perpetrators of illegal robocalls. 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org and Tracy Nayer at Tnayer@ncdoj.govby **5:00pm ET on Wednesday, November 10th** If you have any questions about the letter, please do not hesitate to contact Tracy Nayer of North Carolina at Tnayer@ncdoj.gov or Patrick Crotty of Florida at Patrick.Crotty@myfloridalegal.com For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	image001[11393].png, image002[11394].png, image003[11395].png

Record 1125

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:33:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:34:00.000 AM
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Sent: Thursday, November 4, 2021 6:17 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling

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Parrell D. Grossman
Assistant Attorney General
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(701)328-5570
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To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
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Body	*Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, October 25, 2021 10:03 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Fwd: Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Ryan Greenstein <rgreenstein@naag.org> **Sent:** Monday, October 25, 2021 9:55:00 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Nayer, Tracy <tnayer@ncdoj.gov>; Patrick Crotty (FL) <Patrick.Crotty@myfloridalegal.com> **Subject:** Sign-On Opportunity: Comment Letter to FCC re: Proposals to Curb Illegal Robocalling ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached comment letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Wednesday, November 10th** Please see the below attached: 1. FCC notice of rule-making 2. Dear Colleague memo from Attorneys General Moody and Stein and draft reply comments to the FCC in response to its proposals to modify its policies to reduce access to numbers by potential perpetrators of illegal robocalls. 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org and Tracy Nayer at Tnayer@ncdoj.govby **5:00pm ET on Wednesday, November 10th** If you have any questions about the letter, please do not hesitate to contact Tracy Nayer of North Carolina at Tnayer@ncdoj.gov or Patrick Crotty of Florida at Patrick.Crotty@myfloridalegal.com For an update on signatories, you may access policy letters' status at this link. **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	image001[7991].png, image002[7992].png, image003[7993].png

Record 1126

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Preliminary Injunction
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 8:37:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 8:37:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 8:37:00.000 AM

Body	Please print these documents **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 5, 2021 8:20 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Preliminary Injunction FYI **From:** Talent, Michael <Michael.Talent@ago.mo.gov> **Sent:** Thursday, November 4, 2021 7:26 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Lanahan, Maria <Maria.Lanahan@ago.mo.gov> **Subject:** CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Preliminary Injunction ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, We filed the preliminary injunction motion (attached here, with the supporting memorandum). Thank you all for your help. Due to the size of the filing, here is a link that will permit you all to download all related filings (motion for leave to exceed page limits and exhibits): https://app.box.com/s/txlv5w7sf4oihcfj5xt09be9693ns5hp. I am also happy to provide any documents you request. Regards, **Michael Talent** | Deputy Solicitor General Missouri Attorney General's Office 815 Olive Street, Suite 200 St. Louis, MO 63101 Michael.Talent@ago.mo.gov This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	16101.pdf, 16100.pdf

Record 1127

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Preliminary Injunction
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 8:37:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 8:37:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 8:37:00.000 AM

Body	Please print these documents **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 5, 2021 8:20 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Preliminary Injunction FYI **From:** Talent, Michael <Michael.Talent@ago.mo.gov> **Sent:** Thursday, November 4, 2021 7:26 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Lanahan, Maria <Maria.Lanahan@ago.mo.gov> **Subject:** CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Preliminary Injunction ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, We filed the preliminary injunction motion (attached here, with the supporting memorandum). Thank you all for your help. Due to the size of the filing, here is a link that will permit you all to download all related filings (motion for leave to exceed page limits and exhibits): https://app.box.com/s/txlv5w7sf4oihcfj5xt09be9693ns5hp. I am also happy to provide any documents you request. Regards, **Michael Talent** | Deputy Solicitor General Missouri Attorney General's Office 815 Olive Street, Suite 200 St. Louis, MO 63101 Michael.Talent@ago.mo.gov This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	12751.pdf, 12750.pdf

Record 1128

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE Deadline Extension
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:07:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:07:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:07:00.000 AM

Body

For contractors, guidance on ever-evolving federal vaccine mandate makes compliance difficult

Nicole Ogrysko@nogryskoWFED
November 3, 2021 6:24 pm
8 min read

Update: The Biden administration on Thursday extended the deadline for federal contractors to comply with the vaccine mandate, a day after this story was initially posted. Contractors now have until Jan. 4, the same deadline that private sector companies have under new requirements from the Occupational Safety and Health Administration.

This story was updated on Thursday, Nov. 4, 2021 at 9:10 a.m. to reflect the new deadline.

Federal contractors now have two months to comply for their employees to comply with the presidentâ€™s recent executive order requiring COVID-19 vaccines.

So far, government vendors and other stakeholders have reacted to the federal vaccine mandate in a variety of ways.

Insight by Tanium: In this exclusive executive briefing, executives will discuss their approach to building a flexible and dynamic zero trust network.

Some states have sued.

Republicans on the House Oversight and Reform Committee are looking for more information. They wrote to the Defense Department, General Services Administration and Office of Management and Budget on Wednesday seeking a variety of documents that explain the administrationâ€™s decision making process for the mandate.

Government contracts attorneys and professional services organizations say many of their clients are complying with the federal vaccine mandate, or at least theyâ€™re trying to.

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Friday, November 5, 2021 8:21 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 6:36 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

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All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 4:30 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Entered these too, thanks!

Body

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Thursday, November 4, 2021 4:25 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration.

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 3:53 PM
To: 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks Iâ€™ve entered those changes

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Thursday, November 4, 2021 3:46 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

CONFIDENTIALâ€“PRIVILEGEDâ€“DELIBERATIVE
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# # #

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 2:00 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John

---

From: Sauer, John
Sent: Thursday, November 4, 2021 2:26 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <

Body

matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looping David McVey of SD into this email chain

From: Sauer, John
Sent: Thursday, November 4, 2021 1:35 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 1:03 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 7:54 AM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov]

Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all?

From: Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Sent: Thursday, November 4, 2021 6:32 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

John,

I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that?

Sam

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 5:56:51 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <

Body	jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!! Thanks a lot, John **From:** Sauer, John **Sent:** Tuesday, October 26, 2021 6:47 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' < jd@keatinglaw.com> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD Dear Counsel- We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion. By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner. Thanks a lot for your support in this project! Thanks, John Sauer **From:** Sauer, John **Sent:** Thursday, October 14, 2021 1:34 PM **To:** cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD Dear Counsel- As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better. Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, "**Iowa,**" could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€? Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	image001[11390].jpg

Record 1129

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE Deadline Extension
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:07:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:07:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:07:00.000 AM

Body

For contractors, guidance on ever-evolving federal vaccine mandate makes compliance difficult

Nicole Ogrysko@nogryskoWFED
November 3, 2021 6:24 pm
8 min read

Update: The Biden administration on Thursday extended the deadline for federal contractors to comply with the vaccine mandate, a day after this story was initially posted. Contractors now have until Jan. 4, the same deadline that private sector companies have under new requirements from the Occupational Safety and Health Administration.

This story was updated on Thursday, Nov. 4, 2021 at 9:10 a.m. to reflect the new deadline.

Federal contractors now have two months to comply for their employees to comply with the presidentâ€™s recent executive order requiring COVID-19 vaccines.

So far, government vendors and other stakeholders have reacted to the federal vaccine mandate in a variety of ways.

Insight by Tanium: In this exclusive executive briefing, executives will discuss their approach to building a flexible and dynamic zero trust network.

Some states have sued.

Republicans on the House Oversight and Reform Committee are looking for more information. They wrote to the Defense Department, General Services Administration and Office of Management and Budget on Wednesday seeking a variety of documents that explain the administrationâ€™s decision making process for the mandate.

Government contracts attorneys and professional services organizations say many of their clients are complying with the federal vaccine mandate, or at least theyâ€™re trying to.

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Friday, November 5, 2021 8:21 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 6:36 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' < David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 4:30 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' < David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Entered these too, thanks!

Body

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Thursday, November 4, 2021 4:25 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration.

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 3:53 PM
To: 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks Iâ€™ve entered those changes

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Thursday, November 4, 2021 3:46 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

CONFIDENTIALâ€“PRIVILEGEDâ€“DELIBERATIVE
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# # #

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 2:00 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John

---

From: Sauer, John
Sent: Thursday, November 4, 2021 2:26 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <

Body

Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looping David McVey of SD into this email chain

From: Sauer, John
Sent: Thursday, November 4, 2021 1:35 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 1:03 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 7:54 AM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov]

Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all?

From: Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Sent: Thursday, November 4, 2021 6:32 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

John,

I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that?

Sam

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 5:56:51 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <

Body	jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!! Thanks a lot, John **From:** Sauer, John **Sent:** Tuesday, October 26, 2021 6:47 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' < jd@keatinglaw.com> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD Dear Counsel- We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion. By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner. Thanks a lot for your support in this project! Thanks, John Sauer **From:** Sauer, John **Sent:** Thursday, October 14, 2021 1:34 PM **To:** cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD Dear Counsel- As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better. Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, "**Iowa,**" could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€? Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	image001[8003].jpg

Record 1130

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: RE Deadline Extension
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:14:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:14:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:14:00.000 AM

Body

From: Stenehjem, Wayne K.
Sent: Friday, November 5, 2021 9:07 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE Deadline Extension

For contractors, guidance on ever-evolving federal vaccine mandate makes compliance difficult

Nicole Ogrysko@nogryskoWFED
November 3, 2021 6:24 pm
8 min read

Update: The Biden administration on Thursday extended the deadline for federal contractors to comply with the vaccine mandate, a day after this story was initially posted. Contractors now have until Jan. 4, the same deadline that private sector companies have under new requirements from the Occupational Safety and Health Administration.

This story was updated on Thursday, Nov. 4, 2021 at 9:10 a.m. to reflect the new deadline.

Federal contractors now have two months to comply for their employees to comply with the presidentâ€™s recent executive order requiring COVID-19 vaccines.

So far, government vendors and other stakeholders have reacted to the federal vaccine mandate in a variety of ways.

Insight by Tanium: In this exclusive executive briefing, executives will discuss their approach to building a flexible and dynamic zero trust network.

Some states have sued.

Republicans on the House Oversight and Reform Committee are looking for more information. They wrote to the Defense Department, General Services Administration and Office of Management and Budget on Wednesday seeking a variety of documents that explain the administrationâ€™s decision making process for the mandate.

Government contracts attorneys and professional services organizations say many of their clients are complying with the federal vaccine mandate, or at least theyâ€™re trying to.

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Friday, November 5, 2021 8:21 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 6:36 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 4:30 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>

Body

Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Entered these too, thanks!

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Thursday, November 4, 2021 4:25 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration.

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 3:53 PM
To: 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks Iâ€™ve entered those changes

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Thursday, November 4, 2021 3:46 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE
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# # #

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 2:00 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 2:26 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>

Body

Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looping David McVey of SD into this email chain

From: Sauer, John
Sent: Thursday, November 4, 2021 1:35 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John

---

From: Sauer, John
Sent: Thursday, November 4, 2021 1:03 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John

---

From: Sauer, John
Sent: Thursday, November 4, 2021 7:54 AM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov]

Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all?

From: Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Sent: Thursday, November 4, 2021 6:32 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

John,

I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that?

Sam

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 5:56:51 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>;

Body	Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' < jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project! Thanks a lot, John **From:** Sauer, John **Sent:** Tuesday, October 26, 2021 6:47 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' < jd@keatinglaw.com> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD Dear Counsel- We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion. By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner. Thanks a lot for your support in this project! Thanks, John Sauer **From:** Sauer, John **Sent:** Thursday, October 14, 2021 1:34 PM **To:** cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD Dear Counsel- As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better. Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, *Iowa,* could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€? Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	image001[11389].jpg

Record 1131

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: RE Deadline Extension
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:14:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:14:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:14:00.000 AM

Body

From: Stenehjem, Wayne K.
Sent: Friday, November 5, 2021 9:07 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE Deadline Extension

For contractors, guidance on ever-evolving federal vaccine mandate makes compliance difficult

Nicole Ogrysko@nogryskoWFED
November 3, 2021 6:24 pm
8 min read

Update: The Biden administration on Thursday extended the deadline for federal contractors to comply with the vaccine mandate, a day after this story was initially posted. Contractors now have until Jan. 4, the same deadline that private sector companies have under new requirements from the Occupational Safety and Health Administration.

This story was updated on Thursday, Nov. 4, 2021 at 9:10 a.m. to reflect the new deadline.

Federal contractors now have two months to comply for their employees to comply with the presidentâ€™s recent executive order requiring COVID-19 vaccines.

So far, government vendors and other stakeholders have reacted to the federal vaccine mandate in a variety of ways.

Insight by Tanium: In this exclusive executive briefing, executives will discuss their approach to building a flexible and dynamic zero trust network.

Some states have sued.

Republicans on the House Oversight and Reform Committee are looking for more information. They wrote to the Defense Department, General Services Administration and Office of Management and Budget on Wednesday seeking a variety of documents that explain the administrationâ€™s decision making process for the mandate.

Government contracts attorneys and professional services organizations say many of their clients are complying with the federal vaccine mandate, or at least theyâ€™re trying to.

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Friday, November 5, 2021 8:21 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 6:36 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 4:30 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>

Body	**Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Entered these too, thanks! **From:** Campbell, Jim <Jim.Campbell@nebraska.gov> **Sent:** Thursday, November 4, 2021 4:25 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration. **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 3:53 PM **To:** 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks Iâ€™ve entered those changes **From:** Dewhirst, David <David.Dewhirst@mt.gov> **Sent:** Thursday, November 4, 2021 3:46 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline. **David Dewhirst** Solicitor General Office of Montana Attorney General Austin Knudsen david.dewhirst@mt.gov 406.444.4145 **CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE** **Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. # # # **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 2:00 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 2:26 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>

Body	**Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looping David McVey of SD into this email chain **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:35 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:03 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 7:54 AM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>;

Body	Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' < jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project! Thanks a lot, John **From:** Sauer, John **Sent:** Tuesday, October 26, 2021 6:47 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' < jd@keatinglaw.com> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD Dear Counsel- We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion. By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner. Thanks a lot for your support in this project! Thanks, John Sauer **From:** Sauer, John **Sent:** Thursday, October 14, 2021 1:34 PM **To:** cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David < david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD Dear Counsel- As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better. Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, *Iowa,* could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€? Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	image001[8005].jpg

Record 1132

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tkporter@nd.gov
Subject	RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:00.000 AM

Body	Thank, Todd. Wayne **From:** Porter, Todd K. <tkporter@nd.gov> **Sent:** Friday, November 5, 2021 9:13 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel This is the issue i was referring to. Thanks, Todd **From:** Parker,Adam <Adam.Parker@Sanfordhealth.org> **Sent:** Friday, November 5, 2021 9:06 AM **To:** Porter, Todd K. **Cc:** Price, Christopher T.E. **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Rep Porter- Attached is the legislation, drafted by AAG Allyson Hicks, that we discussed. It is needed for the Department of Health to conduct FBI compliant background checks on applicants seeking initial EMS licensure. The background checks are necessary for us to remain in the EMS Compact after September of 2022, therefore waiting until next session isn't ideal. Thanks for your help with this. Let me know if you have any questions. Also, I cc'd Chris Price on this email as he should be able to answer any questions I cannot. Thanks again, R. Adam Parker 701-934-1398 **From:** Price, Christopher T.E. <cprice@nd.gov> **Sent:** Friday, November 5, 2021 8:31 AM **To:** Parker,Adam **Subject:** [EXTERNAL] FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Updated numbering **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 5, 2021 08:23 **To:** Price, Christopher T.E. <cprice@nd.gov> **Subject:** 301.12 - Health - Trauma Care - Emergency Health - General Counsel Hi Chris- See attached update numbering. Sorry about that! Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. --- Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Record 1133

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tkporter@nd.gov
Subject	RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:00.000 AM

Body	Thank, Todd. Wayne **From:** Porter, Todd K. <tkporter@nd.gov> **Sent:** Friday, November 5, 2021 9:13 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel This is the issue i was referring to. Thanks, Todd **From:** Parker,Adam <Adam.Parker@Sanfordhealth.org> **Sent:** Friday, November 5, 2021 9:06 AM **To:** Porter, Todd K. **Cc:** Price, Christopher T.E. **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Rep Porter- Attached is the legislation, drafted by AAG Allyson Hicks, that we discussed. It is needed for the Department of Health to conduct FBI compliant background checks on applicants seeking initial EMS licensure. The background checks are necessary for us to remain in the EMS Compact after September of 2022, therefore waiting until next session isn't ideal. Thanks for your help with this. Let me know if you have any questions. Also, I cc'd Chris Price on this email as he should be able to answer any questions I cannot. Thanks again, R. Adam Parker 701-934-1398 **From:** Price, Christopher T.E. <cprice@nd.gov> **Sent:** Friday, November 5, 2021 8:31 AM **To:** Parker,Adam **Subject:** [EXTERNAL] FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Updated numbering **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 5, 2021 08:23 **To:** Price, Christopher T.E. <cprice@nd.gov> **Subject:** 301.12 - Health - Trauma Care - Emergency Health - General Counsel Hi Chris- See attached update numbering. Sorry about that! Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. --- Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Record 1134

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ahicks@nd.gov
Subject	FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:12.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:13.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:00.000 AM

Body	**From:** Porter, Todd K. <tkporter@nd.gov> **Sent:** Friday, November 5, 2021 9:13 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel This is the issue i was referring to. Thanks, Todd **From:** Parker,Adam <Adam.Parker@Sanfordhealth.org> **Sent:** Friday, November 5, 2021 9:06 AM **To:** Porter, Todd K. **Cc:** Price, Christopher T.E. **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Rep Porter- Attached is the legislation, drafted by AAG Allyson Hicks, that we discussed. It is needed for the Department of Health to conduct FBI compliant background checks on applicants seeking initial EMS licensure. The background checks are necessary for us to remain in the EMS Compact after September of 2022, therefore waiting until next session isn't ideal. Thanks for your help with this. Let me know if you have any questions. Also, I cc'd Chris Price on this email as he should be able to answer any questions I cannot. Thanks again, R. Adam Parker 701-934-1398 **From:** Price, Christopher T.E. <cprice@nd.gov> **Sent:** Friday, November 5, 2021 8:31 AM **To:** Parker,Adam **Subject:** [EXTERNAL] FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Updated numbering **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 5, 2021 08:23 **To:** Price, Christopher T.E. <cprice@nd.gov> **Subject:** 301.12 - Health - Trauma Care - Emergency Health - General Counsel Hi Chris- See attached update numbering. Sorry about that! Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. --- Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	16099.rtf

Record 1135

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ahicks@nd.gov
Subject	FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:12.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:13.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 9:19:00.000 AM

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Attachments	12749.rtf

Record 1136

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov
Subject	RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:10:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:10:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:10:00.000 AM

Body	Allyson Hicks drafted the bill, and I've asked her to contact you. Wayne Thanks for the CWL effort from you and Casey yesterday! **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Friday, November 5, 2021 9:28 AM **To:** Porter, Todd K. <tkporter@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Spotts, Julie R. <jspotts@nd.gov> **Subject:** RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Rep. Porter, Thank you sir. Julie Spotts with NDBCI is working on this already today and will have a reply e-mail for us later today. Thank you for the information, this is very helpful. Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5520 - office §44-04-18.3 lgrabowska@nd.gov **From:** Porter, Todd K. <tkporter@nd.gov> **Sent:** Friday, November 5, 2021 9:13 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel This is the issue i was referring to. Thanks, Todd **From:** Parker,Adam <Adam.Parker@Sanfordhealth.org> **Sent:** Friday, November 5, 2021 9:06 AM **To:** Porter, Todd K. **Cc:** Price, Christopher T.E. **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Rep Porter- Attached is the legislation, drafted by AAG Allyson Hicks, that we discussed. It is needed for the Department of Health to conduct FBI compliant background checks on applicants seeking initial EMS licensure. The background checks are necessary for us to remain in the EMS Compact after September of 2022, therefore waiting until next session isn't ideal. Thanks for your help with this. Let me know if you have any questions. Also, I cc'd Chris Price on this email as he should be able to answer any questions I cannot. Thanks again, R. Adam Parker 701-934-1398 **From:** Price, Christopher T.E. <cprice@nd.gov> **Sent:** Friday, November 5, 2021 8:31 AM **To:** Parker,Adam **Subject:** [EXTERNAL] FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Updated numbering **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 5, 2021 08:23 **To:** Price, Christopher T.E. <cprice@nd.gov> **Subject:** 301.12 - Health - Trauma Care - Emergency Health - General Counsel Hi Chris- See attached update numbering. Sorry about that! Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. --- Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[11386].gif, image003[11387].jpg

Record 1137

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov
Subject	RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:10:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:10:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:10:00.000 AM

Body	Allyson Hicks drafted the bill, and I've asked her to contact you. Wayne Thanks for the CWL effort from you and Casey yesterday! **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Friday, November 5, 2021 9:28 AM **To:** Porter, Todd K. <tkporter@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Spotts, Julie R. <jspotts@nd.gov> **Subject:** RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Rep. Porter, Thank you sir. Julie Spotts with NDBCI is working on this already today and will have a reply e-mail for us later today. Thank you for the information, this is very helpful. Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5520 - office §44-04-18.3 lgrabowska@nd.gov **From:** Porter, Todd K. <tkporter@nd.gov> **Sent:** Friday, November 5, 2021 9:13 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel This is the issue i was referring to. Thanks, Todd **From:** Parker,Adam <Adam.Parker@Sanfordhealth.org> **Sent:** Friday, November 5, 2021 9:06 AM **To:** Porter, Todd K. **Cc:** Price, Christopher T.E. **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Rep Porter- Attached is the legislation, drafted by AAG Allyson Hicks, that we discussed. It is needed for the Department of Health to conduct FBI compliant background checks on applicants seeking initial EMS licensure. The background checks are necessary for us to remain in the EMS Compact after September of 2022, therefore waiting until next session isn't ideal. Thanks for your help with this. Let me know if you have any questions. Also, I cc'd Chris Price on this email as he should be able to answer any questions I cannot. Thanks again, R. Adam Parker 701-934-1398 **From:** Price, Christopher T.E. <cprice@nd.gov> **Sent:** Friday, November 5, 2021 8:31 AM **To:** Parker,Adam **Subject:** [EXTERNAL] FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Updated numbering **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 5, 2021 08:23 **To:** Price, Christopher T.E. <cprice@nd.gov> **Subject:** 301.12 - Health - Trauma Care - Emergency Health - General Counsel Hi Chris- See attached update numbering. Sorry about that! Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. --- Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[8010].gif, image003[8011].jpg

Record 1138

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	RE: revised
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:46:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:46:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:46:00.000 AM

Body	OK. Thanks. Wayne **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Friday, November 5, 2021 10:31 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** revised Regarding the National Missing and Unidentified Persons System (NAMUS) – Heidi said this system was discussed as an option during testimony on the original proposal. It was determined to be a nonviable option.

Record 1139

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	RE: revised
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:46:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:46:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:46:00.000 AM
Body	OK. Thanks. Wayne **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Friday, November 5, 2021 10:31 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** revised Regarding the National Missing and Unidentified Persons System (NAMUS) – Heidi said this system was discussed as an option during testimony on the original proposal. It was determined to be a nonviable option.

Record 1140

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jspotts@nd.gov
Subject	RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:53:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:53:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:53:00.000 AM

Body

Thanks, Julie.
Wayne

From: Spotts, Julie R. <jspotts@nd.gov>
Sent: Friday, November 5, 2021 10:49 AM
To: Grabowska, Lonnie <lgrabowska@nd.gov>; Porter, Todd K. <tkporter@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Price, Christopher T.E. <cprice@nd.gov>; Hicks, Allyson M. <ahicks@nd.gov>
Subject: RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel

Good Morning!

I spoke with Chris Price this morning regarding this bill. If this passes, this bill would meet the requirements of the EMS Compact.

The next step would be getting it assigned by Legislative Council – it looks like it would be assigned as NDCC 12-60-24(2)(fff). Once assigned, I forward the statute to the FBI for their review. The FBI will let me know whether or not they approve the Department of Health to run the federal record checks. We may not hear whether it's approved for several months since the FBI has a large backlog.

If approved, I will reach out to Chris and we can begin the record check process. Until we receive that approval, BCI will **not** be able to do a federal record check for this purpose.

Chris guesstimated that it would entail about 200-300 record checks per year. BCI will be able to handle the extra record checks with their current staff.

If I can answer any other questions, please let me know.

Julie Spotts
Administrative Staff Officer II

ND Bureau of Criminal Investigation

701-328-5528 (phone)

701-328-5510 (fax)

From: Grabowska, Lonnie <lgrabowska@nd.gov>
Sent: Friday, November 5, 2021 9:28 AM
To: Porter, Todd K. <tkporter@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Spotts, Julie R. <jspotts@nd.gov>
Subject: RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel

Rep. Porter,

Thank you sir.

Julie Spotts with NDBCI is working on this already today and will have a reply e-mail for us later today.

Thank you for the information, this is very helpful.

Lonnie

Director Lonnie Grabowska
Bureau of Criminal Investigation
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5530 - office
§44-04-18.3
lgrabowska@nd.gov

From: Porter, Todd K. <tkporter@nd.gov>
Sent: Friday, November 5, 2021 9:13 AM
To: Grabowska, Lonnie <lgrabowska@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel

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Thanks,

Body	Todd **From:** Parker,Adam <Adam.Parker@Sanfordhealth.org> **Sent:** Friday, November 5, 2021 9:06 AM **To:** Porter, Todd K. **Cc:** Price, Christopher T.E. **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Rep Porter- Attached is the legislation, drafted by AAG Allyson Hicks, that we discussed. It is needed for the Department of Health to conduct FBI compliant background checks on applicants seeking initial EMS licensure. The background checks are necessary for us to remain in the EMS Compact after September of 2022, therefore waiting until next session isn't ideal. Thanks for your help with this. Let me know if you have any questions. Also, I cc'd Chris Price on this email as he should be able to answer any questions I cannot. Thanks again, R. Adam Parker 701-934-1398 **From:** Price, Christopher T.E. <cprice@nd.gov> **Sent:** Friday, November 5, 2021 8:31 AM **To:** Parker,Adam **Subject:** [EXTERNAL] FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Updated numbering **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 5, 2021 08:23 **To:** Price, Christopher T.E. <cprice@nd.gov> **Subject:** 301.12 - Health - Trauma Care - Emergency Health - General Counsel Hi Chris- See attached update numbering. Sorry about that! Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. --- Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[11384].gif, image003[11385].jpg

Record 1141

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jspotts@nd.gov
Subject	RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:53:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:53:21.000 AM
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Body

Thanks, Julie.
Wayne

From: Spotts, Julie R. <jspotts@nd.gov>
Sent: Friday, November 5, 2021 10:49 AM
To: Grabowska, Lonnie <lgrabowska@nd.gov>; Porter, Todd K. <tkporter@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Price, Christopher T.E. <cprice@nd.gov>; Hicks, Allyson M. <ahicks@nd.gov>
Subject: RE: 301.12 - Health - Trauma Care - Emergency Health - General Counsel

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Sent: Friday, November 5, 2021 9:28 AM
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Lonnie

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Bureau of Criminal Investigation
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Bismarck, ND 58502-1054
701-328-5530 - office
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From: Porter, Todd K. <tkporter@nd.gov>
Sent: Friday, November 5, 2021 9:13 AM
To: Grabowska, Lonnie <lgrabowska@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
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This is the issue i was referring to.

Thanks,

Body	Todd **From:** Parker,Adam <Adam.Parker@Sanfordhealth.org> **Sent:** Friday, November 5, 2021 9:06 AM **To:** Porter, Todd K. **Cc:** Price, Christopher T.E. **Subject:** Fwd: 301.12 - Health - Trauma Care - Emergency Health - General Counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Rep Porter- Attached is the legislation, drafted by AAG Allyson Hicks, that we discussed. It is needed for the Department of Health to conduct FBI compliant background checks on applicants seeking initial EMS licensure. The background checks are necessary for us to remain in the EMS Compact after September of 2022, therefore waiting until next session isn't ideal. Thanks for your help with this. Let me know if you have any questions. Also, I cc'd Chris Price on this email as he should be able to answer any questions I cannot. Thanks again, R. Adam Parker 701-934-1398 **From:** Price, Christopher T.E. <cprice@nd.gov> **Sent:** Friday, November 5, 2021 8:31 AM **To:** Parker,Adam **Subject:** [EXTERNAL] FW: 301.12 - Health - Trauma Care - Emergency Health - General Counsel Updated numbering **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 5, 2021 08:23 **To:** Price, Christopher T.E. <cprice@nd.gov> **Subject:** 301.12 - Health - Trauma Care - Emergency Health - General Counsel Hi Chris- See attached update numbering. Sorry about that! Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. --- Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[8019].gif, image003[8020].jpg

Record 1142

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	itdkb4phish@nd.gov
Subject	KnowBe4 Phish AlertFW: Subsequent Events Information - Attached - Due November 12, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:59:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:59:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:59:00.000 AM

Body	**From:** -Info-ACFR <acfr@nd.gov> **Sent:** Tuesday, November 2, 2021 1:47 PM **To:** Gullickson, Stephanie M. <Smgullickson@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Morrissette, Joe <jmorrissette@nd.gov>; Hoffman, Greg A. <gahoffman@nd.gov>; Gallion, Joshua C. <jcgallion@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Rauschenberger, Ryan A. <rarauschenberger@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>; Gaugler, Holly A. <hgaugler@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; Soucie, Mary J. <msoucie@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Olson, Paul H. <polson@nd.gov>; Sick, Wayde <wasick@nd.gov>; Weisz, Brenda M. <bmweisz@nd.gov>; Jacobson, Beth M. <bjacobso@nd.gov>; Johnson, Mark B. <mjohn@nd.gov>; Davis, Nathan <nathan.davis@nd.gov>; Halgunseth, Cathy N. <chalgunseth@nd.gov>; Wilke, Jamie L. <jwilke@nd.gov>; Hellman, Cheryl <chellman@nd.gov>; Vorachek, Nicole M. <nvorachek@nd.gov>; Thunder, Erica G. <ethunder@nd.gov>; Kringstad, Jill I. <jikringstad@nd.gov>; Wanner, Kyle C. <kcwanner@nd.gov>; Kruse, I. Lise <lkruse@nd.gov>; Lillis, Diane <dlillis@nd.gov>; Ament, DeAnn M. <dament@nd.gov>; Flohr, David A. <dflohr@nd.gov>; Dub, Cathy <cdub@ndmill.com>; Stieg, Lisa C. <lcstieg@nd.gov>; Hummel, Maj. Aaron R. <arhummel@nd.gov>; Gaebe, Lance <lagaebe@nd.gov>; Beitelspacher, Diana <dbeitelspacher@ndsoybean.org>; Berndt, Shannon D. <sberndt@nd.gov>; Henning, Jean M. <jean@ndcorn.org>; Bertsch, Kenneth J. <kbertsch@ndseed.ndsu.edu>; Lyons, Sara <slyons@nd.gov>; Bateman, Nancy Jo <njbateman@ndbeef.org>; Edwardson, Steven E. <steven.edwardson@ndbarley.net>; Edwardson, Steven E. <steven.edwardson@ndbarley.net>; Korslien, Renae <renae@ndstatefair.com>; Korslien, Renae <renae@ndstatefair.com>; Allensworth, Gail L. <glallensworth@nd.gov>; Wike, Andrea B. <abwike@nd.gov>; Konikow, Kim <kkonikow@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Gudvangen, Peggy J. <pjgudvangen@nd.gov>; Indovina, Jeff <jindovina@nd.gov>; Delorme, Heide M. <heidedelorme@nd.gov> **Cc:** sarah.glood@bcbsnd.com; jneubauer@cityofmandan.com; Briggs, Trang <tbriggs@midwestdairy.com>; Danielle Hauck <dhauck@clearwatercommunications.net>; Mitchell Coulter <mitch@northarvestbean.net>; Ellison, Donna <donnae@sunflowernsa.com>; Diane Peycke (peycked@gmail.com) <peycked@gmail.com>; Julie Ellingson <jellingson@ndstockmen.org>; Fisher, Neal H. <nfisher@ndwheat.com>; Goehring, Doug C. <goehring@nd.gov>; Kmetz, Rachel A. <rkmetz@nd.gov> **Subject:** Subsequent Events Information - Attached - Due November 12, 2021 Attached you will find the Subsequent Events Letter which needs to be filled out and returned to OMB by November 12, 2021. On page 2 you will need to enter your Agency, Department Number and sign off as to whether you have events or not. If you do please attach a detailed explanation of any event(s). Please return by sending to acfr@nd.gov Thank you for your cooperation. ACFR *Fiscal Management* 701.328.2680 • acfr@nd.gov • www.omb.nd.gov
Attachments	image001[11381].png, phish_alert_iocp_v1.3.98[16098].eml, 16097.docx

Record 1143

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	itdkb4phish@nd.gov
Subject	KnowBe4 Phish AlertFW: Subsequent Events Information - Attached - Due November 12, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:59:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:59:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 10:59:00.000 AM

Body	**From:** -Info-ACFR <acfr@nd.gov> **Sent:** Tuesday, November 2, 2021 1:47 PM **To:** Gullickson, Stephanie M. <Smgullickson@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Morrissette, Joe <jmorrissette@nd.gov>; Hoffman, Greg A. <gahoffman@nd.gov>; Gallion, Joshua C. <jcgallion@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Rauschenberger, Ryan A. <rarauschenberger@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>; Gaugler, Holly A. <hgaugler@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; Soucie, Mary J. <msoucie@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Olson, Paul H. <polson@nd.gov>; Sick, Wayde <wasick@nd.gov>; Weisz, Brenda M. <bmweisz@nd.gov>; Jacobson, Beth M. <bjacobso@nd.gov>; Johnson, Mark B. <mjohn@nd.gov>; Davis, Nathan <nathan.davis@nd.gov>; Halgunseth, Cathy N. <chalgunseth@nd.gov>; Wilke, Jamie L. <jwilke@nd.gov>; Hellman, Cheryl <chellman@nd.gov>; Vorachek, Nicole M. <nvorachek@nd.gov>; Thunder, Erica G. <ethunder@nd.gov>; Kringstad, Jill I. <jikringstad@nd.gov>; Wanner, Kyle C. <kcwanner@nd.gov>; Kruse, I. Lise <lkruse@nd.gov>; Lillis, Diane <dlillis@nd.gov>; Ament, DeAnn M. <dament@nd.gov>; Flohr, David A. <dflohr@nd.gov>; Dub, Cathy <cdub@ndmill.com>; Stieg, Lisa C. <lcstieg@nd.gov>; Hummel, Maj. Aaron R. <arhummel@nd.gov>; Gaebe, Lance <lagaebe@nd.gov>; Beitelspacher, Diana <dbeitelspacher@ndsoybean.org>; Berndt, Shannon D. <sberndt@nd.gov>; Henning, Jean M. <jean@ndcorn.org>; Bertsch, Kenneth J. <kbertsch@ndseed.ndsu.edu>; Lyons, Sara <slyons@nd.gov>; Bateman, Nancy Jo <njbateman@ndbeef.org>; Edwardson, Steven E. <steven.edwardson@ndbarley.net>; Edwardson, Steven E. <steven.edwardson@ndbarley.net>; Korslien, Renae <renae@ndstatefair.com>; Korslien, Renae <renae@ndstatefair.com>; Allensworth, Gail L. <glallensworth@nd.gov>; Wike, Andrea B. <abwike@nd.gov>; Konikow, Kim <kkonikow@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Gudvangen, Peggy J. <pjgudvangen@nd.gov>; Indovina, Jeff <jindovina@nd.gov>; Delorme, Heide M. <heidedelorme@nd.gov> **Cc:** sarah.glood@bcbsnd.com; jneubauer@cityofmandan.com; Briggs, Trang <tbriggs@midwestdairy.com>; Danielle Hauck <dhauck@clearwatercommunications.net>; Mitchell Coulter <mitch@northarvestbean.net>; Ellison, Donna <donnae@sunflowernsa.com>; Diane Peycke (peycked@gmail.com) <peycked@gmail.com>; Julie Ellingson <jellingson@ndstockmen.org>; Fisher, Neal H. <nfisher@ndwheat.com>; Goehring, Doug C. <goehring@nd.gov>; Kmetz, Rachel A. <rkmetz@nd.gov> **Subject:** Subsequent Events Information - Attached - Due November 12, 2021 Attached you will find the Subsequent Events Letter which needs to be filled out and returned to OMB by November 12, 2021. On page 2 you will need to enter your Agency, Department Number and sign off as to whether you have events or not. If you do please attach a detailed explanation of any event(s). Please return by sending to acfr@nd.gov Thank you for your cooperation. ACFR *Fiscal Management* 701.328.2680 • acfr@nd.gov • www.omb.nd.gov
Attachments	image001[8023].png, phish_alert_iocp_v1.3.98[12748].eml, 12747.docx

Record 1144

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Tim Olson interview
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:00:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:00:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:00:00.000 AM

Body	Will you check his availability for next Friday morning ? w **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Tuesday, November 2, 2021 12:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Tim Olson interview Tim Olson with the Theodore Roosevelt Foundation called back to schedule a meeting with you next week. I got the call because Liz forwarded her phone to me. Did you want me to get Liz to call him from home or did you have a day/time next week you just wanted me to call him back with? He said he's basically wide open next week so whenever you would want to do it he will be happy to do it then. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov

Record 1145

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Tim Olson interview
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:00:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:00:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:00:00.000 AM
Body	Will you check his availability for next Friday morning ? w **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Tuesday, November 2, 2021 12:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Tim Olson interview Tim Olson with the Theodore Roosevelt Foundation called back to schedule a meeting with you next week. I got the call because Liz forwarded her phone to me. Did you want me to get Liz to call him from home or did you have a day/time next week you just wanted me to call him back with? He said he's basically wide open next week so whenever you would want to do it he will be happy to do it then. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov

Record 1146

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Tim Olson interview
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:06:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:06:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:06:27.000 AM

Body	Great, thanks! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, November 5, 2021 11:01:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Tim Olson interview Of course. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 5, 2021 11:01 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Tim Olson interview Will you check his availability for next Friday morning ? w **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Tuesday, November 2, 2021 12:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Tim Olson interview Tim Olson with the Theodore Roosevelt Foundation called back to schedule a meeting with you next week. I got the call because Liz forwarded her phone to me. Did you want me to get Liz to call him from home or did you have a day/time next week you just wanted me to call him back with? He said he's basically wide open next week so whenever you would want to do it he will be happy to do it then. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov

Record 1147

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Tim Olson interview
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:06:24.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:06:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:06:27.000 AM

Body	Great, thanks! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, November 5, 2021 11:01:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Tim Olson interview Of course. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 5, 2021 11:01 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Tim Olson interview Will you check his availability for next Friday morning ? w **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Tuesday, November 2, 2021 12:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Tim Olson interview Tim Olson with the Theodore Roosevelt Foundation called back to schedule a meeting with you next week. I got the call because Liz forwarded her phone to me. Did you want me to get Liz to call him from home or did you have a day/time next week you just wanted me to call him back with? He said he's basically wide open next week so whenever you would want to do it he will be happy to do it then. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov

Record 1148

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jawald@nd.gov
Subject	RE: NAAG Letter Regarding Bankruptcy Venue Reform
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:50:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:50:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:50:00.000 AM

Body	James, I believe we've already signed on to this. Parrell can correct me if I'm wrong. Wayne **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, November 5, 2021 11:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: NAAG Letter Regarding Bankruptcy Venue Reform Attorney General, You may have already received notice of this, but below is an e-mail we received from Jim Lodoen requesting your support for pending federal bankruptcy venue reform bills H.R. 4193 and S. 2827. Jim is the Special AG who has been assisting the state with various bankruptcy cases (namely, Whiting Petroleum). If you recall from the September Special Land Board meeting, Jim pointed out the fact that certain federal bankruptcy courts have been seeing a disproportionate volume of cases due to the reputation of those courts for being debtor-friendly. Jim asked that I forward you the below e-mail and recently indicated that today may be the deadline to sign on. I have not had the opportunity to review the bills myself, but would be happy to answer any questions that I can. Thank You, James Wald **From:** Lodoen, Jim <jlodoen@spencerfane.com> **Sent:** Tuesday, November 2, 2021 10:19 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** James, Good morning James. The below e-mail from my partner Eric in Texas is fairly self-explanatory. This all relates to venue reform at the federal level to change the bankruptcy venue laws so that large company's located in North Dakota or Minnesota for example need to file bankruptcy where they are located, instead of the larger companies filing in such locations as Delaware, NY or Texas, either because that is their state of incorporation or because they have a nominal link to those states. The possibility of venue reform has gained significant momentum in the past month, and there appears a real possibility that this legislation could now pass. Attorney General Stenehjem signed onto the AGs' letter last year, and I am sending this in order to make sure this is on his radar screen again this year. Jim James A. Lodoen Partner Spencer Fane LLP 100 South Fifth Street, Suite 2500 | Minneapolis, MN 55402 O 612.268.7039 jlodoen@spencerfane.com | spencerfane.com | Bio **From:** Van Horn, Eric <ericvanhorn@spencerfane.com> **Sent:** Tuesday, November 2, 2021 9:55 AM **To:** Lodoen, Jim <jlodoen@spencerfane.com> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform Hi Jim, As we discussed yesterday, NAAG is seeking support from state attorneys general for the pending bankruptcy venue reform bills (H.R. 4193 and S. 2827). The bills are the same or substantially similar to the bill endorsed by NAAG in February 2020 (H.R. 4421). That 2020 letter is available here: https://www.naag.org/policy-letter/attorneys-general-support-bankruptcy-venue-reform-act-of-2019/ Attorney General Wayne Stenehjem signed the 2020 letter and my contact at the Texas Attorneys' General Office has asked for assistance with outreach to attorneys general regarding this year's letter. The October 2021 email and letter from NAAG would have been sent to whomever in the ND AG's office is designated as the liaison for NAAG. Can you please ask your ND AG contacts to check with their liaison and, if they would like, to please email my contact in Texas (Rachel.Obaldo@oag.texas.gov) and she can send them the email and letter so that they can pass it along to be sure that it is reviewed and considered by Attorney General Stenehjem? Best, Eric Eric M. Van Horn Partner Spencer Fane LLP 2200 Ross Ave. Suite 4800 West | Dallas, TX 75201 O 214-459-5895 ericvanhorn@spencerfane.com | spencerfane.com
CC	pgrossman@nd.gov

Record 1149

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jawald@nd.gov
Subject	RE: NAAG Letter Regarding Bankruptcy Venue Reform
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:50:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:50:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 11:50:00.000 AM

Body	James, I believe we've already signed on to this. Parrell can correct me if I'm wrong. Wayne **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, November 5, 2021 11:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: NAAG Letter Regarding Bankruptcy Venue Reform Attorney General, You may have already received notice of this, but below is an e-mail we received from Jim Lodoen requesting your support for pending federal bankruptcy venue reform bills H.R. 4193 and S. 2827. Jim is the Special AG who has been assisting the state with various bankruptcy cases (namely, Whiting Petroleum). If you recall from the September Special Land Board meeting, Jim pointed out the fact that certain federal bankruptcy courts have been seeing a disproportionate volume of cases due to the reputation of those courts for being debtor-friendly. Jim asked that I forward you the below e-mail and recently indicated that today may be the deadline to sign on. I have not had the opportunity to review the bills myself, but would be happy to answer any questions that I can. Thank You, James Wald **From:** Lodoen, Jim <jlodoen@spencerfane.com> **Sent:** Tuesday, November 2, 2021 10:19 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** James, Good morning James. The below e-mail from my partner Eric in Texas is fairly self-explanatory. This all relates to venue reform at the federal level to change the bankruptcy venue laws so that large company's located in North Dakota or Minnesota for example need to file bankruptcy where they are located, instead of the larger companies filing in such locations as Delaware, NY or Texas, either because that is their state of incorporation or because they have a nominal link to those states. The possibility of venue reform has gained significant momentum in the past month, and there appears a real possibility that this legislation could now pass. Attorney General Stenehjem signed onto the AGs' letter last year, and I am sending this in order to make sure this is on his radar screen again this year. Jim James A. Lodoen Partner Spencer Fane LLP 100 South Fifth Street, Suite 2500 | Minneapolis, MN 55402 O 612.268.7039 jlodoen@spencerfane.com | spencerfane.com | Bio **From:** Van Horn, Eric <ericvanhorn@spencerfane.com> **Sent:** Tuesday, November 2, 2021 9:55 AM **To:** Lodoen, Jim <jlodoen@spencerfane.com> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform Hi Jim, As we discussed yesterday, NAAG is seeking support from state attorneys general for the pending bankruptcy venue reform bills (H.R. 4193 and S. 2827). The bills are the same or substantially similar to the bill endorsed by NAAG in February 2020 (H.R. 4421). That 2020 letter is available here: https://www.naag.org/policy-letter/attorneys-general-support-bankruptcy-venue-reform-act-of-2019/ Attorney General Wayne Stenehjem signed the 2020 letter and my contact at the Texas Attorneys' General Office has asked for assistance with outreach to attorneys general regarding this year's letter. The October 2021 email and letter from NAAG would have been sent to whomever in the ND AG's office is designated as the liaison for NAAG. Can you please ask your ND AG contacts to check with their liaison and, if they would like, to please email my contact in Texas (Rachel.Obaldo@oag.texas.gov) and she can send them the email and letter so that they can pass it along to be sure that it is reviewed and considered by Attorney General Stenehjem? Best, Eric Eric M. Van Horn Partner Spencer Fane LLP 2200 Ross Ave. Suite 4800 West | Dallas, TX 75201 O 214-459-5895 ericvanhorn@spencerfane.com | spencerfane.com
CC	pgrossman@nd.gov

Record 1150

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lolitashope@aol.com
Subject	RE: Thank you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:00:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:00:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:00:00.000 PM

Body	Thank you so much for your email. More than that, thank you for your service to our country. You have done more to fight for our freedoms than I ever could! Wayne **From:** Lynn M. Timm <lolitashope@aol.com> **Sent:** Friday, November 5, 2021 2:57 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Thank you ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon AG Stenehjem, Just a quick note to say thank you for adding North Dakota to the growing list of states filing the latest lawsuit against vaccine mandates. As a Desert Storm Veteran, I greatly appreciate that we have someone here in our great state who's ready and willing to fight for and defend our rights and freedoms. Sincerely, Lynn M. Timm

Record 1151

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lolitashope@aol.com
Subject	RE: Thank you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:00:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:00:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 6:00:00.000 PM
Body	Thank you so much for your email. More than that, thank you for your service to our country. You have done more to fight for our freedoms than I ever could! Wayne **From:** Lynn M. Timm <lolitashope@aol.com> **Sent:** Friday, November 5, 2021 2:57 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Thank you ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon AG Stenehjem, Just a quick note to say thank you for adding North Dakota to the growing list of states filing the latest lawsuit against vaccine mandates. As a Desert Storm Veteran, I greatly appreciate that we have someone here in our great state who's ready and willing to fight for and defend our rights and freedoms. Sincerely, Lynn M. Timm

Record 1152

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: NAAG Letter Regarding Bankruptcy Venue Reform
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 7:26:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 7:26:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 7:26:00.000 PM

Body

That's what I thought!
Have a nice weekend
Wayne

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Friday, November 5, 2021 4:54 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Wald, James J. <jawald@nd.gov>
Subject: RE: NAAG Letter Regarding Bankruptcy Venue Reform

Correct, General Stenehjem, you were one of the first AGs to do so.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, November 5, 2021 11:50 AM
To: Wald, James J. <jawald@nd.gov>
Cc: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: RE: NAAG Letter Regarding Bankruptcy Venue Reform

James,
I believe we've already signed on to this.
Parrell can correct me if I'm wrong.
Wayne

From: Wald, James J. <jawald@nd.gov>
Sent: Friday, November 5, 2021 11:47 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: NAAG Letter Regarding Bankruptcy Venue Reform

Attorney General,

You may have already received notice of this, but below is an e-mail we received from Jim Lodoen requesting your support for pending federal bankruptcy venue reform bills H.R. 4193 and S. 2827. Jim is the Special AG who has been assisting the state with various bankruptcy cases (namely, Whiting Petroleum). If you recall from the September Special Land Board meeting, Jim pointed out the fact that certain federal bankruptcy courts have been seeing a disproportionate volume of cases due to the reputation of those courts for being debtor-friendly. Jim asked that I forward you the below e-mail and recently indicated that today may be the deadline to sign on. I have not had the opportunity to review the bills myself, but would be happy to answer any questions that I can.

Thank You,

Body	James Wald **From:** Lodoen, Jim <jlodoen@spencerfane.com> **Sent:** Tuesday, November 2, 2021 10:19 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** James, Good morning James. The below e-mail from my partner Eric in Texas is fairly self-explanatory. This all relates to venue reform at the federal level to change the bankruptcy venue laws so that large company's located in North Dakota or Minnesota for example need to file bankruptcy where they are located, instead of the larger companies filing in such locations as Delaware, NY or Texas, either because that is their state of incorporation or because they have a nominal link to those states. The possibility of venue reform has gained significant momentum in the past month, and there appears a real possibility that this legislation could now pass. Attorney General Stenehjem signed onto the AGs' letter last year, and I am sending this in order to make sure this is on his radar screen again this year. Jim **James A. Lodoen** Partner Spencer Fane LLP 100 South Fifth Street, Suite 2500 | Minneapolis, MN 55402 O 612.268.7039 jlodoen@spencerfane.com | spencerfane.com | Bio **From:** Van Horn, Eric <ericvanhorn@spencerfane.com> **Sent:** Tuesday, November 2, 2021 9:55 AM **To:** Lodoen, Jim <jlodoen@spencerfane.com> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform Hi Jim, As we discussed yesterday, NAAG is seeking support from state attorneys general for the pending bankruptcy venue reform bills (H.R. 4193 and S. 2827). The bills are the same or substantially similar to the bill endorsed by NAAG in February 2020 (H.R. 4421). That 2020 letter is available here: https://www.naag.org/policy-letter/attorneys-general-support-bankruptcy-venue-reform-act-of-2019/ Attorney General Wayne Stenehjem signed the 2020 letter and my contact at the Texas Attorneys' General Office has asked for assistance with outreach to attorneys general regarding this year's letter. The October 2021 email and letter from NAAG would have been sent to whomever in the ND AG's office is designated as the liaison for NAAG. Can you please ask your ND AG contacts to check with their liaison and, if they would like, to please email my contact in Texas (Rachel.Obaldo@oag.texas.gov) and she can send them the email and letter so that they can pass it along to be sure that it is reviewed and considered by Attorney General Stenehjem? Best, Eric **Eric M. Van Horn** Partner Spencer Fane LLP 2200 Ross Ave. Suite 4800 West | Dallas, TX 75201 O 214-459-5895 ericvanhorn@spencerfane.com | spencerfane.com

Record 1153

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: NAAG Letter Regarding Bankruptcy Venue Reform
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 7:26:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 7:26:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/5/2021 7:26:00.000 PM

Body

That's what I thought!
Have a nice weekend
Wayne

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Friday, November 5, 2021 4:54 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Wald, James J. <jawald@nd.gov>
Subject: RE: NAAG Letter Regarding Bankruptcy Venue Reform

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Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
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*Please note that our mailing address changed as of August 25, 2021.

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From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, November 5, 2021 11:50 AM
To: Wald, James J. <jawald@nd.gov>
Cc: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: RE: NAAG Letter Regarding Bankruptcy Venue Reform

James,
I believe we've already signed on to this.
Parrell can correct me if I'm wrong.
Wayne

From: Wald, James J. <jawald@nd.gov>
Sent: Friday, November 5, 2021 11:47 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: NAAG Letter Regarding Bankruptcy Venue Reform

Attorney General,

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Thank You,

Body	James Wald **From:** Lodoen, Jim <jlodoen@spencerfane.com> **Sent:** Tuesday, November 2, 2021 10:19 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** James, Good morning James. The below e-mail from my partner Eric in Texas is fairly self-explanatory. This all relates to venue reform at the federal level to change the bankruptcy venue laws so that large company's located in North Dakota or Minnesota for example need to file bankruptcy where they are located, instead of the larger companies filing in such locations as Delaware, NY or Texas, either because that is their state of incorporation or because they have a nominal link to those states. The possibility of venue reform has gained significant momentum in the past month, and there appears a real possibility that this legislation could now pass. Attorney General Stenehjem signed onto the AGs' letter last year, and I am sending this in order to make sure this is on his radar screen again this year. Jim **James A. Lodoen** Partner Spencer Fane LLP 100 South Fifth Street, Suite 2500 | Minneapolis, MN 55402 O 612.268.7039 jlodoen@spencerfane.com | spencerfane.com | Bio **From:** Van Horn, Eric <ericvanhorn@spencerfane.com> **Sent:** Tuesday, November 2, 2021 9:55 AM **To:** Lodoen, Jim <jlodoen@spencerfane.com> **Subject:** NAAG Letter Regarding Bankruptcy Venue Reform Hi Jim, As we discussed yesterday, NAAG is seeking support from state attorneys general for the pending bankruptcy venue reform bills (H.R. 4193 and S. 2827). The bills are the same or substantially similar to the bill endorsed by NAAG in February 2020 (H.R. 4421). That 2020 letter is available here: https://www.naag.org/policy-letter/attorneys-general-support-bankruptcy-venue-reform-act-of-2019/ Attorney General Wayne Stenehjem signed the 2020 letter and my contact at the Texas Attorneys' General Office has asked for assistance with outreach to attorneys general regarding this year's letter. The October 2021 email and letter from NAAG would have been sent to whomever in the ND AG's office is designated as the liaison for NAAG. Can you please ask your ND AG contacts to check with their liaison and, if they would like, to please email my contact in Texas (Rachel.Obaldo@oag.texas.gov) and she can send them the email and letter so that they can pass it along to be sure that it is reviewed and considered by Attorney General Stenehjem? Best, Eric **Eric M. Van Horn** Partner Spencer Fane LLP 2200 Ross Ave. Suite 4800 West | Dallas, TX 75201 O 214-459-5895 ericvanhorn@spencerfane.com | spencerfane.com

Record 1154

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jodi.smith@nd.gov
Subject	RE: ND DELEGATION INTRODUCES LEGISLATION TO IMPROVE ACCESS TO STATE-OWNED MINERALS, GENERA TE REVENUE FOR STATE; Legislation Would Also Complete Tribal & Federal Ownership of Lands & Minerals within Reservations & National Grasslands
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/6/2021 8:04:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/6/2021 8:04:10.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/6/2021 8:04:00.000 AM

Body

Thanks. I was just reading the news account of this when I got your email!
Wayne

From: Smith, Jodi <jodi.smith@nd.gov>
Sent: Saturday, November 6, 2021 7:36 AM
To: Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>
Subject: ND DELEGATION INTRODUCES LEGISLATION TO IMPROVE ACCESS TO STATE-OWNED MINERALS, GENERATE REVENUE FOR STATE; Legislation Would Also Complete Tribal & Federal Ownership of Lands & Minerals within Reservations & National Grasslands

DO NOT REPLY ALL

Good Morning Land Board Members –
On Thursday, the ND Delegation introduced our Federal Bill – NORTH DAKOTA TRUST LANDS COMPLETION ACT – which will authorize the State of North Dakota to relinquish state-owned lands and minerals contained within Tribal Reservations and the Little Missouri National Grasslands to the U.S. Department of the Interior and, in exchange, receive federal land and minerals of equal value within North Dakota.

The below news release was sent out yesterday morning.

I will place this as an agenda item on the next Land Board Agenda.

If you have any questions, please do not hesitate to reach out to me.

Thank you,

Jodi Smith, MNM, MNT
Land Commissioner

701.328.2807 • jodi.smith@nd.gov • land.nd.gov

From: Finken, Alex (Hoeven) <Alex_Finken@hoeven.senate.gov>
Sent: Friday, November 5, 2021 10:32 AM
Subject: ND DELEGATION INTRODUCES LEGISLATION TO IMPROVE ACCESS TO STATE-OWNED MINERALS, GENERATE REVENUE FOR STATE; Legislation Would Also Complete Tribal & Federal Ownership of Lands & Minerals within Reservations & National Grasslands

NEWS FROM NORTH DAKOTA'S CONGRESSIONAL DELEGATION

Senator John HOEVEN	Senator Kevin CRAMER	Congressman Kelly ARMSTRONG

November 5, 2021

Contacts:
Kami Capener (Hoeven) (202) 224-2551
Delanie Bomar (Cramer) (202) 224-2043
Conner Swanson (Armstrong) (202) 225-2611

ND DELEGATION INTRODUCES LEGISLATION TO IMPROVE ACCESS TO STATE-OWNED MINERALS, GENERATE REVENUE FOR STATE
Legislation Would Also Complete Tribal & Federal Ownership of Lands & Minerals within Reservations & National Grasslands

WASHINGTON – Senators John Hoeven and Kevin Cramer and Congressman Kelly Armstrong this week introduced the **North Dakota Trust Lands Completion Act**, bicameral legislation to authorize the State of North Dakota to relinquish state-owned lands and minerals contained within Tribal Reservations and the Little Missouri National Grasslands to the U.S. Department of the Interior and, in exchange, receive federal land and

Body	minerals of equal value within North Dakota. Currently, North Dakota holds more than 130,000 acres of minerals and over 31,000 surface acres within Tribal Reservations alone, which are largely unavailable for development. At the same time, existing federal laws do not adequately allow for the state and federal government to exchange land and minerals. This leaves surface and mineral rights within the National Grasslands and Tribal Reservations fragmented, while limiting the state's ability to generate revenue from the land and minerals it owns. The North Dakota Lands Trust Completion Act would resolve this issue by allowing equal value transactions between North Dakota and the Interior Department to exchange land and mineral rights, thereby: • Enabling North Dakota to access the lands and minerals that were promised upon statehood to fund education and other public purposes. • Providing tribes greater ownership over the lands within their reservation boundaries. • Helping ensure future conservation of the National Grasslands. "Federal, state and tribal land and mineral rights have long been intermixed. This has created duplicative layers of regulation, prevented North Dakota from developing the energy resources it owns and limited the state's ability to generate revenue for education and other purposes," **said Senator Hoeven**. "Our legislation helps ensure North Dakota can access the full land and mineral rights it was promised, while restoring tribal ownership over lands and minerals within reservations and enhancing conservation efforts on the National Grasslands." "The federal government's ownership of small tracts of land and minerals throughout North Dakota makes our energy development challenging. We are changing this with our bill, which authorizes land transfers and therefore eliminates unnecessary levels of regulation," **said Senator Cramer.** "Our legislation ensures North Dakota can better access our natural resources, helps industry permitting efficiency, and increases revenues to the state and its education trust funds, while restoring tribal ownership and conservation of lands we have no intent to develop." "The comingling of federal, state, and tribal lands has long prevented North Dakota's resources from being fully utilized," **said Congressman Armstrong**. "Our bill will give the state of North Dakota and the tribes more control over lands within their jurisdiction, which will reduce the amount of duplicative regulations and benefit people across our state." "The North Dakota Board of University and School Lands is grateful to the North Dakota delegation for their support of our effort to pass an act that will authorize the State of North Dakota to relinquish land grant parcels located within the reservations and the Little Missouri National Grasslands and to select other Federal land or minerals in lieu of those parcels the State of North Dakota attained at statehood. This effort will provide the Tribes greater Tribal sovereignty and control of land and minerals within the reservations. Additionally, this act will provide for greater conservation and preservation of the Little Missouri National Grasslands. This effort is a win-win solution for the State of North Dakota, the Tribes, and conservationist groups," **said Jodi Smith**, North Dakota Department of Trust Lands Commissioner. "We were glad to help shape how the draft bill would restore some Reservation land previously taken from us," **said Mark Fox**, Chairman of the Mandan, Hidatsa, and Arikara Nation. "We support its introduction and look forward to working closely with our congressional delegation and the Congress to ensure the preservation of our treaty rights to land and minerals on the Fort Berthold Indian Reservation." Valuations conducted under this legislation would be determined by Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards for Professional Appraisal Practice. Valid existing rights will be respected in these transactions and there will be no impact on any Indian treaty rights. The full text and a summary of the legislation can be found here and here, respectively. A statement in support of the legislation from Spirit Lake Chairman Douglas Yankton can be found here. -###-
Attachments	image001[11540].png

Record 1155

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jodi.smith@nd.gov
Subject	RE: ND DELEGATION INTRODUCES LEGISLATION TO IMPROVE ACCESS TO STATE-OWNED MINERALS, GENERA TE REVENUE FOR STATE; Legislation Would Also Complete Tribal & Federal Ownership of Lands & Minerals within Reservations & National Grasslands
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/6/2021 8:04:09.000 AM
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From: Smith, Jodi <jodi.smith@nd.gov>
Sent: Saturday, November 6, 2021 7:36 AM
To: Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>
Subject: ND DELEGATION INTRODUCES LEGISLATION TO IMPROVE ACCESS TO STATE-OWNED MINERALS, GENERATE REVENUE FOR STATE; Legislation Would Also Complete Tribal & Federal Ownership of Lands & Minerals within Reservations & National Grasslands

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Sent: Friday, November 5, 2021 10:32 AM
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November 5, 2021

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Attachments	image001[8297].png

Record 1156

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shall@nd.gov, pweir@nd.gov, lbrocker@nd.gov, bladams@nd.gov, clamb@nd.gov, jlthomps@nd.gov , dkrabben@nd.gov
Subject	RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 8:10:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 8:10:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 8:10:00.000 AM

Body	Thanks for sending this. With the special session of the legislature convening, I will have some time crunch of my own to contend with. I have a hearing on a budget request at 8:30, and hope I will be done by the 9 am convening of the meeting. I'll know more this morning. Wayne **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Sunday, November 7, 2021 6:02 PM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Pat, Thanks for letting me know. I will give you a call on Monday to come up with a plan. Steve **From:** Weir, Pat <pweir@nd.gov> **Sent:** Sunday, November 07, 2021 10:59 AM **To:** Hall, Steven D. <shall@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Steve, the Billings County Commissioners moved their regularly scheduled meeting to a special meeting to consider some important issues concerning our residents. However, the new meeting times conflict with Pardon Board meeting. I have spoken to the Commissioners and they are willing to back-load the discussions where it is imperative I attend. I will attend Pardon Board and will interview witnesses assigned to me, but I would appreciate it if we could visit Monday about the matter. This was unanticipated but, as stated above, I can work around it I believe. Under the circumstances, it might be better for Wayne & or one of the other members act as Chairman. Pat **From:** Hall, Steven D. **Sent:** Tuesday, November 2, 2021 9:46 AM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. **Hall, Steven D. shared a file with you** Link to Victim Notes for November 2021 Pardon Board. We do not have and victims wanting to provide testimony this meeting. November 2021 Pardon advisory Board Victim notes This link only works for the direct recipients of this message. Privacy Statement
Attachments	image001[11850].png, image002[11851].png, image003[11852].png, image005[11853].png, image006[11854].jpg, image007[11855].png

Record 1157

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shall@nd.gov, pweir@nd.gov, lbrocker@nd.gov, bladams@nd.gov, clamb@nd.gov, jlthomps@nd.gov, dkrabben@nd.gov
Subject	RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 8:10:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 8:10:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 8:10:00.000 AM

Body	Thanks for sending this. With the special session of the legislature convening, I will have some time crunch of my own to contend with. I have a hearing on a budget request at 8:30, and hope I will be done by the 9 am convening of the meeting. I'll know more this morning. Wayne **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Sunday, November 7, 2021 6:02 PM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Pat, Thanks for letting me know. I will give you a call on Monday to come up with a plan. Steve **From:** Weir, Pat <pweir@nd.gov> **Sent:** Sunday, November 07, 2021 10:59 AM **To:** Hall, Steven D. <shall@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Steve, the Billings County Commissioners moved their regularly scheduled meeting to a special meeting to consider some important issues concerning our residents. However, the new meeting times conflict with Pardon Board meeting. I have spoken to the Commissioners and they are willing to back-load the discussions where it is imperative I attend. I will attend Pardon Board and will interview witnesses assigned to me, but I would appreciate it if we could visit Monday about the matter. This was unanticipated but, as stated above, I can work around it I believe. Under the circumstances, it might be better for Wayne & or one of the other members act as Chairman. Pat **From:** Hall, Steven D. **Sent:** Tuesday, November 2, 2021 9:46 AM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. **Hall, Steven D. shared a file with you** Link to Victim Notes for November 2021 Pardon Board. We do not have and victims wanting to provide testimony this meeting. November 2021 Pardon advisory Board Victim notes This link only works for the direct recipients of this message. Privacy Statement
Attachments	image001[8291].png, image002[8292].png, image003[8293].png, image005[8294].png, image006[8295].jpg, image007[8296].png

Record 1158

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: $100,000 POWERBALL WITH POWER PLAY PRIZE WON IN FARGO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 10:19:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 10:19:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 10:19:21.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Monday, November 8, 2021 9:28:27 AM **To:** NDAG News Release <ndagnews@nd.gov> **Subject:** $100,000 POWERBALL WITH POWER PLAY PRIZE WON IN FARGO **NEWS RELEASE – NORTH DAKOTA LOTTERY** **www.lottery.nd.gov** *For immediate release* Contact: Ryan Koppy (701) 328-1574 November 8, 2021 **$100,000 POWERBALL WITH POWER PLAY PRIZE WON IN FARGO** Bismarck – North Dakota Powerball players continue their lucky streak, as another player won big! A $100,000 Powerball with Power Play ticket for Saturday night's draw won by matching four white balls and the Powerball. The winning numbers were 8, 30, 48, 57, 64 and the Powerball was 9. The Power Play multiplier was 2. The lucky ticket was sold at Cash Wise Fuel, 4907 Timber Parkway South, in Fargo. The prize was $50,000, but as the player had also purchased the Power Play option, the ticket is worth $100,000. The retailer will receive a $2,000 bonus commission for selling the large tier ticket. No one has contacted the Lottery office to claim the prize. Another North Dakota Lottery player hit it big, matching all four numbers to win the $22,000 2by2 jackpot in Saturday night's draw. The winning numbers for the November 6 draw were Red: 6 and 11; White: 7 and 11. The lucky ticket was sold via the North Dakota Lottery's Pick & Click online play service in Lincoln. The prize has yet to be claimed. "North Dakota Lottery players have been very lucky as of late," said Randy Miller, director of the North Dakota Lottery. "Players have won over $1.3 million in large tier prizes since October 4, 2021." Winners have 180 days from the date of the drawing to claim their prize. Prizes over $599 must be claimed at the North Dakota Lottery office, which recently moved and is now located at 1720 Burlington Drive in Bismarck. The Powerball jackpot for the Monday, November 8 draw is $151 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 1159

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: $100,000 POWERBALL WITH POWER PLAY PRIZE WON IN FARGO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 10:19:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 10:19:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 10:19:21.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Monday, November 8, 2021 9:28:27 AM **To:** NDAG News Release <ndagnews@nd.gov> **Subject:** $100,000 POWERBALL WITH POWER PLAY PRIZE WON IN FARGO **NEWS RELEASE – NORTH DAKOTA LOTTERY** **www.lottery.nd.gov** *For immediate release* Contact: Ryan Koppy (701) 328-1574 November 8, 2021 **$100,000 POWERBALL WITH POWER PLAY PRIZE WON IN FARGO** Bismarck – North Dakota Powerball players continue their lucky streak, as another player won big! A $100,000 Powerball with Power Play ticket for Saturday night's draw won by matching four white balls and the Powerball. The winning numbers were 8, 30, 48, 57, 64 and the Powerball was 9. The Power Play multiplier was 2. The lucky ticket was sold at Cash Wise Fuel, 4907 Timber Parkway South, in Fargo. The prize was $50,000, but as the player had also purchased the Power Play option, the ticket is worth $100,000. The retailer will receive a $2,000 bonus commission for selling the large tier ticket. No one has contacted the Lottery office to claim the prize. Another North Dakota Lottery player hit it big, matching all four numbers to win the $22,000 2by2 jackpot in Saturday night's draw. The winning numbers for the November 6 draw were Red: 6 and 11; White: 7 and 11. The lucky ticket was sold via the North Dakota Lottery's Pick & Click online play service in Lincoln. The prize has yet to be claimed. "North Dakota Lottery players have been very lucky as of late," said Randy Miller, director of the North Dakota Lottery. "Players have won over $1.3 million in large tier prizes since October 4, 2021." Winners have 180 days from the date of the drawing to claim their prize. Prizes over $599 must be claimed at the North Dakota Lottery office, which recently moved and is now located at 1720 Burlington Drive in Bismarck. The Powerball jackpot for the Monday, November 8 draw is $151 million. For winning numbers and other information, visit us on the web at LOTTERY.ND.GOV. ###

Record 1160

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 11:50:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 11:50:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 11:50:00.000 AM
Body	Please visit with me about a request

Record 1161

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 11:50:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 11:50:03.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 11:50:00.000 AM
Body	Please visit with me about a request

Record 1162

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	RE: Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 12:00:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 12:00:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 12:00:00.000 PM
Body	I am fine with this Wayne **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 8, 2021 12:00 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Letter Attached is the final version of this sign-on letter that you are considering co-sponsoring regarding AG Conners nomination as U.S. Attorney for Hawaii. NAAG is wanting to make sure you are good with it before they circulate. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Shalyn Kettering <Shalyn.Kettering@coag.gov> **Sent:** Thursday, November 4, 2021 4:46 PM **To:** Ryan Greenstein <rgreenstein@naag.org>; gabrielle.viator@state.ma.us; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov> **Cc:** Albert Lama <alama@naag.org> **Subject:** RE: Letter ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All – please find the attached updated letter. We hope you all still consider joining. Thank you! **Shalyn Kettering** **Counsel to the Attorney General** | Colorado Department of Law P: 805-975-2932 | Shalyn.Kettering@coag.gov **From:** Ryan Greenstein <rgreenstein@naag.org> **Sent:** Thursday, November 4, 2021 12:46 PM **To:** gabrielle.viator@state.ma.us; Shalyn Kettering <Shalyn.Kettering@coag.gov>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov> **Cc:** Albert Lama <alama@naag.org> **Subject:** RE: Letter Gabe, Will do, thank you. Ryan **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Viator, Gabrielle (AGO) <gabrielle.viator@state.ma.us> **Sent:** Thursday, November 4, 2021 12:53 PM **To:** Ryan Greenstein <rgreenstein@naag.org>; Shalyn Kettering <Shalyn.Kettering@coag.gov>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov> **Cc:** Albert Lama <alama@naag.org> **Subject:** RE: Letter CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Body

Thanks, Ryan. Please add AG Healey.

Gabrielle Viator (she, hers)
Chief of Staff
Office of Attorney General Maura Healey
Office: (617) 963-2601
Cell: (617) 680-5856
Gabrielle.Viator@mass.gov

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Thursday, November 4, 2021 12:29 PM
To: Shalyn Kettering <Shalyn.Kettering@coag.gov>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov>; Viator, Gabrielle (AGO) <gabrielle.viator@mass.gov>
Cc: Albert Lama <alama@naag.org>
Subject: RE: Letter

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Shalyn,

Great, thank you!

Troy, Michelle, and Gabe, please review the updated letter once received and I'll circulate to the membership once I hear from each of you for approval.

Thanks,
Ryan

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Shalyn Kettering <Shalyn.Kettering@coag.gov>
Sent: Thursday, November 4, 2021 12:28 PM
To: Ryan Greenstein <rgreenstein@naag.org>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov>; gabrielle.viator@state.ma.us
Cc: Albert Lama <alama@naag.org>
Subject: RE: Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you so much for the update Ryan! AG Weiser would still like to send a letter – a tweak of the current version – encouraging a quick floor vote. I am in process of updating the letter and will recirculate soon.

Shalyn Kettering
Counsel to the Attorney General | Colorado Department of Law
P: 805-975-2932 | Shalyn.Kettering@coag.gov

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Thursday, November 4, 2021 10:27 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov>; gabrielle.viator@state.ma.us
Cc: Albert Lama <alama@naag.org>; Shalyn Kettering <Shalyn.Kettering@coag.gov>
Subject: RE: Letter

All,

Shalyn in Colorado provided me the draft (attached). As I updated her, the request in the letter was achieved an hour ago when the Senate Judiciary Committee voted the nomination favorably to the floor. All but three members of the committee (Sens. Lee, Hawley, Blackburn) voted in favor of her nomination.

Body	Thanks, Ryan **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, November 4, 2021 11:26 AM **To:** 'Seibel, Troy T.' <tseibel@nd.gov>; 'Michelle Williams' <Michelle.Williams@ago.ms.gov>; 'Natalie Hanlon Leh' <natalie.hanlonleh@coag.gov>; 'gabrielle.viator@state.ma.us' <gabrielle.viator@state.ma.us> **Cc:** Albert Lama <alama@naag.org> **Subject:** RE: Letter Good morning, Additionally for your awareness, the Senate Judiciary Committee is voting this morning on the nomination. https://www.judiciary.senate.gov/meetings/10/28/2021/executive-business-meeting Ryan **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, November 4, 2021 10:45 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov>; gabrielle.viator@state.ma.us **Cc:** Albert Lama <alama@naag.org> **Subject:** Letter Troy, Michelle, Natalie, and Gabe, Hope you're all doing well today. CWAG reached out to us this week and said your offices had been interested in circulating a letter through our process supporting the Hawaii Attorney General's nomination as US Attorney. Please feel free to forward me the draft letter your offices wrote and I am glad to circulate it from there. I've also attached our step-by-step process for letters and am always glad to be a resource for any questions about the process. Thanks, Ryan **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	image001[11883].png, image002[11884].png, image003[11885].png, image004[11886].jpg, image005[11887].jpg, image006[11888].jpg, image007[11889].jpg

Record 1163

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	RE: Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 12:00:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 12:00:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 12:00:00.000 PM

Body

I am fine with this
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Monday, November 8, 2021 12:00 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: Letter

Attached is the final version of this sign-on letter that you are considering co-sponsoring regarding AG Conners nomination as U.S. Attorney for Hawaii. NAAG is wanting to make sure you are good with it before they circulate.

Troy T. Seibel
Chief Deputy Attorney General
Office of Attorney General
600 E. Boulevard Ave., Dept. 125
Bismarck, ND 58505
701-328-2210
tseibel@nd.gov

From: Shalyn Kettering <Shalyn.Kettering@coag.gov>
Sent: Thursday, November 4, 2021 4:46 PM
To: Ryan Greenstein <rgreenstein@naag.org>; gabrielle.viator@state.ma.us; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov>
Cc: Albert Lama <alama@naag.org>
Subject: RE: Letter

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All – please find the attached updated letter. We hope you all still consider joining.

Thank you!

Shalyn Kettering
Counsel to the Attorney General | Colorado Department of Law
P: 805-975-2932 | Shalyn.Kettering@coag.gov

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Thursday, November 4, 2021 12:46 PM
To: gabrielle.viator@state.ma.us; Shalyn Kettering <Shalyn.Kettering@coag.gov>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov>
Cc: Albert Lama <alama@naag.org>
Subject: RE: Letter

Gabe,

Will do, thank you.

Ryan

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Viator, Gabrielle (AGO) <gabrielle.viator@state.ma.us>
Sent: Thursday, November 4, 2021 12:53 PM
To: Ryan Greenstein <rgreenstein@naag.org>; Shalyn Kettering <Shalyn.Kettering@coag.gov>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov>
Cc: Albert Lama <alama@naag.org>
Subject: RE: Letter

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Body

Thanks, Ryan. Please add AG Healey.

Gabrielle Viator (she, hers)
Chief of Staff
Office of Attorney General Maura Healey
Office: (617) 963-2601
Cell: (617) 680-5856
Gabrielle.Viator@mass.gov

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Thursday, November 4, 2021 12:29 PM
To: Shalyn Kettering <Shalyn.Kettering@coag.gov>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov>; Viator, Gabrielle (AGO) <gabrielle.viator@mass.gov>
Cc: Albert Lama <alama@naag.org>
Subject: RE: Letter

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Shalyn,

Great, thank you!

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Thanks,
Ryan

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
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From: Shalyn Kettering <Shalyn.Kettering@coag.gov>
Sent: Thursday, November 4, 2021 12:28 PM
To: Ryan Greenstein <rgreenstein@naag.org>; Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov>; gabrielle.viator@state.ma.us
Cc: Albert Lama <alama@naag.org>
Subject: RE: Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Shalyn Kettering
Counsel to the Attorney General | Colorado Department of Law
P: 805-975-2932 | Shalyn.Kettering@coag.gov

From: Ryan Greenstein <rgreenstein@naag.org>
Sent: Thursday, November 4, 2021 10:27 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov>; gabrielle.viator@state.ma.us
Cc: Albert Lama <alama@naag.org>; Shalyn Kettering <Shalyn.Kettering@coag.gov>
Subject: RE: Letter

All,

Shalyn in Colorado provided me the draft (attached). As I updated her, the request in the letter was achieved an hour ago when the Senate Judiciary Committee voted the nomination favorably to the floor. All but three members of the committee (Sens. Lee, Hawley, Blackburn) voted in favor of her nomination.

Body	Thanks, Ryan **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, November 4, 2021 11:26 AM **To:** 'Seibel, Troy T.' <tseibel@nd.gov>; 'Michelle Williams' <Michelle.Williams@ago.ms.gov>; 'Natalie Hanlon Leh' <natalie.hanlonleh@coag.gov>; 'gabrielle.viator@state.ma.us' <gabrielle.viator@state.ma.us> **Cc:** Albert Lama <alama@naag.org> **Subject:** RE: Letter Good morning, Additionally for your awareness, the Senate Judiciary Committee is voting this morning on the nomination. https://www.judiciary.senate.gov/meetings/10/28/2021/executive-business-meeting Ryan **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, November 4, 2021 10:45 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Michelle Williams <Michelle.Williams@ago.ms.gov>; Natalie Hanlon Leh <natalie.hanlonleh@coag.gov>; gabrielle.viator@state.ma.us **Cc:** Albert Lama <alama@naag.org> **Subject:** Letter Troy, Michelle, Natalie, and Gabe, Hope you're all doing well today. CWAG reached out to us this week and said your offices had been interested in circulating a letter through our process supporting the Hawaii Attorney General's nomination as US Attorney. Please feel free to forward me the draft letter your offices wrote and I am glad to circulate it from there. I've also attached our step-by-step process for letters and am always glad to be a resource for any questions about the process. Thanks, Ryan **Ryan Greenstein** **Legislative Director and** **Special Assistant to the Executive Director** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org
Attachments	image001[8402].png, image002[8403].png, image003[8404].png, image004[8405].jpg, image005[8406].jpg, image006[8407].jpg, image007[8408].jpg

Record 1164

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shall@nd.gov
Subject	RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 1:33:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 1:33:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 1:33:00.000 PM

Body	I will call you shortly. What's the best number to reach you? Wayne **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Monday, November 8, 2021 12:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Good afternoon Wayne, I spoke with Pat this morning and he should be able to participate with the board tomorrow and step out for a bit participate in the county commissioners meeting. Your first interview is scheduled for 9:50. Do you think you will be available by then? We should be able to start the meeting with a quorum and take care of some of paperwork before jumping into interviews. It's like the legislature is going to try to keep testimony brief and limited during this session which may help. Steve **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 08, 2021 8:11 AM **To:** Hall, Steven D. <shall@nd.gov>; Weir, Pat <pweir@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Thanks for sending this. With the special session of the legislature convening. I will have some time crunch of my own to contend with. I have a hearing on a budget request at 8:30, and hope I will be done by the 9 am convening of the meeting. I'll know more this morning. Wayne **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Sunday, November 7, 2021 6:02 PM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Pat, Thanks for letting me know. I will give you a call on Monday to come up with a plan. Steve **From:** Weir, Pat <pweir@nd.gov> **Sent:** Sunday, November 07, 2021 10:59 AM **To:** Hall, Steven D. <shall@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Steve, the Billings County Commissioners moved their regularly scheduled meeting to a special meeting to consider some important issues concerning our residents. However, the new meeting times conflict with Pardon Board meeting. I have spoken to the Commissioners and they are willing to back-load the discussions where it is imperative I attend. I will attend Pardon Board and will interview witnesses assigned to me, but I would appreciate it if we could visit Monday about the matter. This was unanticipated but, as stated above, I can work around it I believe. Under the circumstances, it might be better for Wayne & or one of the other members act as Chairman. Pat **From:** Hall, Steven D. **Sent:** Tuesday, November 2, 2021 9:46 AM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. **Hall, Steven D. shared a file with you** Link to Victim Notes for November 2021 Pardon Board. We do not have and victims wanting to provide testimony this meeting. November 2021 Pardon advisory Board Victim notes This link only works for the direct recipients of this message. Privacy Statement
Attachments	image001[11908].png, image002[11909].png, image003[11910].png, image004[11911].png, image005[11912].png, image006[11913].jpg

Record 1165

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shall@nd.gov
Subject	RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 1:33:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 1:33:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 1:33:00.000 PM

Body	I will call you shortly. What's the best number to reach you? Wayne **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Monday, November 8, 2021 12:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Good afternoon Wayne, I spoke with Pat this morning and he should be able to participate with the board tomorrow and step out for a bit participate in the county commissioners meeting. Your first interview is scheduled for 9:50. Do you think you will be available by then? We should be able to start the meeting with a quorum and take care of some of paperwork before jumping into interviews. It's like the legislature is going to try to keep testimony brief and limited during this session which may help. Steve **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 08, 2021 8:11 AM **To:** Hall, Steven D. <shall@nd.gov>; Weir, Pat <pweir@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Thanks for sending this. With the special session of the legislature convening. I will have some time crunch of my own to contend with. I have a hearing on a budget request at 8:30, and hope I will be done by the 9 am convening of the meeting. I'll know more this morning. Wayne **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Sunday, November 7, 2021 6:02 PM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Pat, Thanks for letting me know. I will give you a call on Monday to come up with a plan. Steve **From:** Weir, Pat <pweir@nd.gov> **Sent:** Sunday, November 07, 2021 10:59 AM **To:** Hall, Steven D. <shall@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** RE: Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. Steve, the Billings County Commissioners moved their regularly scheduled meeting to a special meeting to consider some important issues concerning our residents. However, the new meeting times conflict with Pardon Board meeting. I have spoken to the Commissioners and they are willing to back-load the discussions where it is imperative I attend. I will attend Pardon Board and will interview witnesses assigned to me, but I would appreciate it if we could visit Monday about the matter. This was unanticipated but, as stated above, I can work around it I believe. Under the circumstances, it might be better for Wayne & or one of the other members act as Chairman. Pat **From:** Hall, Steven D. **Sent:** Tuesday, November 2, 2021 9:46 AM **To:** Weir, Pat <pweir@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Adams, Beverly L. <bladams@nd.gov>; Lamb, Carmelita <clamb@nd.gov>; Thompson, Jennifer L. <jlthomps@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov> **Subject:** Hall, Steven D. shared "November 2021 Pardon advisory Board Victim notes" with you. **Hall, Steven D. shared a file with you** Link to Victim Notes for November 2021 Pardon Board. We do not have and victims wanting to provide testimony this meeting. November 2021 Pardon advisory Board Victim notes This link only works for the direct recipients of this message. Privacy Statement
Attachments	image001[8435].png, image002[8436].png, image003[8437].png, image004[8438].png, image005[8439].png, image006[8440].jpg

Record 1166

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shall@nd.gov
Subject	RE: Pulczinski
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 3:55:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 3:55:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 3:55:00.000 PM

Body	Ok. thanks. **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Monday, November 8, 2021 3:55 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Pulczinski Wayne, Looking at his WI III it was one Disorderly Conduct offense tracking #57001000225383 that was eventually dismissed. Steven D. Hall *Director of Transitional Planning Services* 701.328.6712 • shall@nd.gov • www.docr.nd.gov **North Dakota Department of Corrections & Rehabilitation** Our Mission: Transforming lives, influencing change, strengthen community. Our Vision: Healthy and productive neighbors, a safe North Dakota. ----------Confidentiality Statement---------- This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.
Attachments	image001[11935].png, image002[11936].png, image003[11937].png, image004[11938].png, image005[11939].png

Record 1167

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shall@nd.gov
Subject	RE: Pulczinski
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 3:55:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 3:55:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 3:55:00.000 PM
Body	Ok. thanks. **From:** Hall, Steven D. <shall@nd.gov> **Sent:** Monday, November 8, 2021 3:55 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Pulczinski Wayne, Looking at his WI III it was one Disorderly Conduct offense tracking #57001000225383 that was eventually dismissed. Steven D. Hall *Director of Transitional Planning Services* 701.328.6712 • shall@nd.gov • www.docr.nd.gov **North Dakota Department of Corrections & Rehabilitation** Our Mission: Transforming lives, influencing change, strengthen community. Our Vision: Healthy and productive neighbors, a safe North Dakota. ----------Confidentiality Statement---------- This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.

Attachments	image001[8462].png, image002[8463].png, image003[8464].png, image004[8465].png, image005[8466].png

Record 1168

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, lhelms@nd.gov
Subject	Re: 20211108_DAPL_EIS_CAPresentation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:17:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:17:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:17:49.000 PM
Body	Ok, thanks for letting me know. What time, and how long will it last?. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 8, 2021 6:05:30 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** FW: 20211108_DAPL_EIS_CAPresentation FYI...we are having a zoom meeting tomorrow with the Corps re:the DAPL EIS. **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Monday, November 8, 2021 5:31 PM **To:** Steve Vance <stevev.crstpres@outlook.com>; Nikki Ducheneaux <NDucheneaux@bigfirelaw.com>; John Pretty Bear <john.prettybear@standingrock.org>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Lozano, VelRey <Lozano.VelRey@epa.gov>; Amity_bass@fws.gov; Dylan_turner@fws.gov **Cc:** Newman, Sheila M CIV USARMY CEPOA (USA) <Sheila.M.Newman@usace.army.mil>; Janis, Larry D CIV USARMY CENWO (USA) <Larry.D.Janis@usace.army.mil>; Tracy, Thomas J CIV USARMY CENWO (USA) <Thomas.J.Tracy@usace.army.mil>; Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil> **Subject:** 20211108_DAPL_EIS_CAPresentation **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **All:** Attached is the presentation for our Cooperating Agency meeting tomorrow. After the meeting, we will upload it to the sharefile site as well. Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045

Record 1169

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, lhelms@nd.gov
Subject	Re: 20211108_DAPL_EIS_CAPresentation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:17:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:17:48.000 PM
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Record 1170

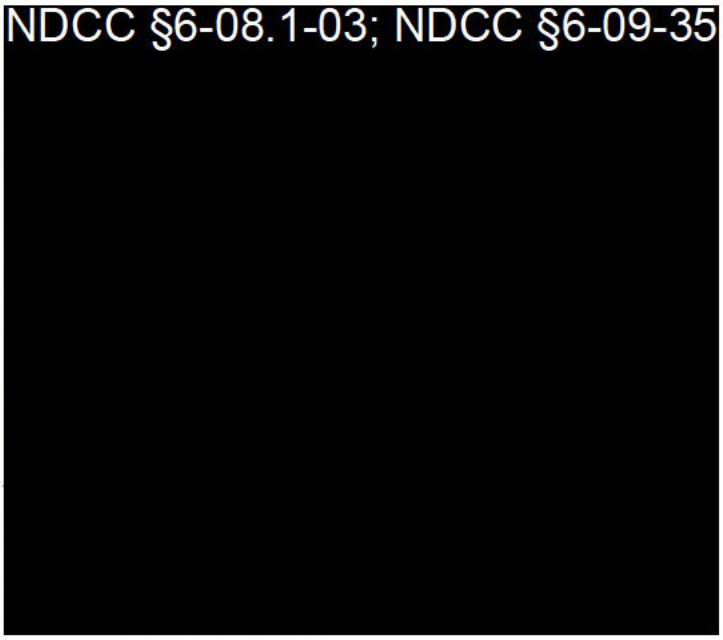
Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lmickelson@nd.gov
Subject	Re: The North American Coal Corp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:19:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:20:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:22:02.000 PM

Body

Please come down and we can confer.
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Mickelson, Lori S. <lmickelson@nd.gov>
Sent: Monday, November 8, 2021 2:25:25 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: The North American Coal Corp

NDCC §6-08.1-03; NDCC §6-09-35



11.11.1 Governing Law.

This Agreement and the other Loan Documents and any claims, controversy, dispute or cause of action (whether in contract or tort or otherwise) based upon, arising out of or relating to this Agreement or any other Loan Document (except, as to any other Loan Document, as expressly specified therein) and the transactions contemplated hereby and thereby shall be governed by, and construed in accordance with, the Law of the State of New York, without regard to its conflict of laws principles; provided, however, the interpretation or enforcement of any obligations or requirements imposed upon Bank of North Dakota under the North Dakota Century Code shall be governed by and construed in accordance with the law of the state of North Dakota. Each standby Letter of Credit issued under this Agreement shall be subject, as applicable, to the rules of the Uniform Customs and Practice for Documentary Credits, as most recently published by the International Chamber of Commerce (the "ICC") at the time of issuance ("UCP") or the rules of the International Standby Practices (ICC Publication Number 590) ("ISP98"), as determined by the Issuing Lender, and each trade Letter of Credit shall be subject to UCP, and in each case to the extent not inconsistent therewith, the Laws of the State of New York without regard to its conflict of laws principles.

11.11.2 SUBMISSION TO JURISDICTION.

THE BORROWER IRREVOCABLY AND UNCONDITIONALLY SUBMITS, FOR ITSELF AND ITS PROPERTY, TO THE NONEXCLUSIVE JURISDICTION OF THE COURTS OF THE STATE OF NEW YORK SITTING IN NEW YORK COUNTY AND

Body	OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, AND ANY APPELLATE COURT FROM ANY THEREOF, IN ANY ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT, OR FOR RECOGNITION OR ENFORCEMENT OF ANY JUDGMENT, AND EACH OF THE PARTIES HERETO IRREVOCABLY AND UNCONDITIONALLY AGREES THAT ALL CLAIMS IN RESPECT OF ANY SUCH ACTION OR PROCEEDING MAY BE HEARD AND DETERMINED IN SUCH NEW YORK STATE COURT ~~OR, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, IN SUCH FEDERAL COURT~~. EACH OF THE PARTIES HERETO AGREES THAT A FINAL JUDGMENT IN ANY SUCH ACTION OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW. NOTHING IN THIS AGREEMENT OR IN ANY OTHER LOAN DOCUMENT SHALL AFFECT ANY RIGHT THAT THE ADMINISTRATIVE AGENT, OR ANY LENDER MAY OTHERWISE HAVE TO BRING ANY ACTION OR PROCEEDING RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT AGAINST THE BORROWER OR ITS PROPERTIES IN THE COURTS OF ANY JURISDICTION. **From:** Hausauer, Kaylen R. <krhausauer@nd.gov> **Sent:** Monday, November 8, 2021 11:22 AM **To:** Mickelson, Lori S. <lmickelson@nd.gov> **Subject:** The North American Coal Corp Lori: Per your request, the following is some information regarding The North American Coal Corp (NACC) and why we are looking at being a party to a syndicated loan facility. PNC Bank has reached out to BND to gauge our interest in participating in a revolving line of credit to NACC. BND has not previously participated in this deal however due to an exit by a prior lender due to the nature of the borrower's industries (coal), BND has been approached to participate. BND has been requested to be a direct signer on the credit agreement rather than a participant in PNC's share. The proposed terms are as follows: 1. $150,000,000 revolving line of credit (RLOC) 1. 4 year term (pretty standard for this type of facility) 2. PNC will hold $55,000,000 3. KeyBank $40,000,000 4. Another lender $10,000,000 5. **BND $45,000,000 (30% of total)** The borrower is involved in coal surface mining/coal mining planning, mining of other diversified aggregates and reclamation and remediation. They are involved in the Coyote Creek, Freedom and Falkirk mine operations in ND. They have more than 100 years of mining experience. The RLOC may be used for working capital or for CapEx that may arise as they continue to diversify their operations. If you have any questions or need any additional information, please let me know! **Kaylen Hausauer** Business Banker **Bank of North Dakota** **1200 Memorial Highway | Bismarck, ND 58504** **P: 701-328-5604 | C: 701-226-6067 | F: 701-328-5731** **E: krhausauer@nd.gov | bnd.nd.gov** *Sign up to get email updates from Bank of North Dakota.* The information contained in this email message, and any attachments, may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient of this email message and have received it by mistake, please do not review, retain, disclose, or otherwise use the communication. Instead, we would appreciate it if you would notify Bank of North Dakota immediately by responding to this email. Thank you for your cooperation.

Record 1171

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lmickelson@nd.gov
Subject	Re: The North American Coal Corp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:19:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:20:29.000 PM
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Body

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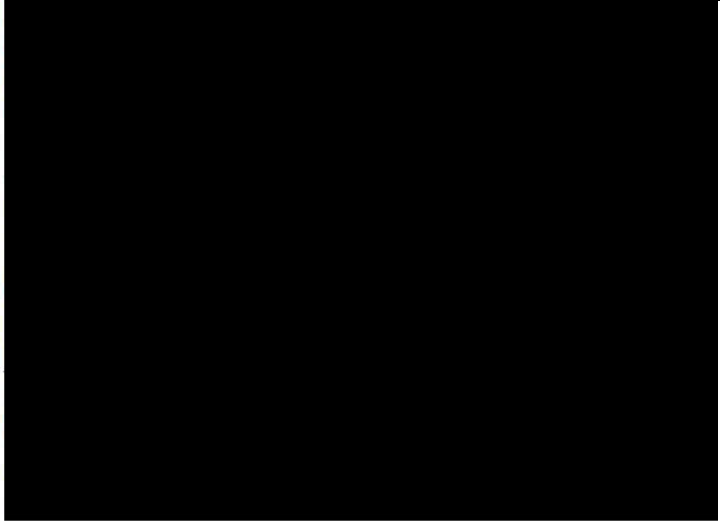
Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Mickelson, Lori S. <lmickelson@nd.gov>
Sent: Monday, November 8, 2021 2:25:25 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: The North American Coal Corp

NDCC §6-08.1-03; NDCC §6-09-35



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This Agreement and the other Loan Documents and any claims, controversy, dispute or cause of action (whether in contract or tort or otherwise) based upon, arising out of or relating to this Agreement or any other Loan Document (except, as to any other Loan Document, as expressly specified therein) and the transactions contemplated hereby and thereby shall be governed by, and construed in accordance with, the Law of the State of New York, without regard to its conflict of laws principles; provided, however, the interpretation or enforcement of any obligations or requirements imposed upon Bank of North Dakota under the North Dakota Century Code shall be governed by and construed in accordance with the law of the state of North Dakota.. Each standby Letter of Credit issued under this Agreement shall be subject, as applicable, to the rules of the Uniform Customs and Practice for Documentary Credits, as most recently published by the International Chamber of Commerce (the "ICC") at the time of issuance ("UCP") or the rules of the International Standby Practices (ICC Publication Number 590) ("ISP98"), as determined by the Issuing Lender, and each trade Letter of Credit shall be subject to UCP, and in each case to the extent not inconsistent therewith, the Laws of the State of New York without regard to its conflict of laws principles.

11.11.2 SUBMISSION TO JURISDICTION.

THE BORROWER IRREVOCABLY AND UNCONDITIONALLY SUBMITS, FOR ITSELF AND ITS PROPERTY, TO THE NONEXCLUSIVE JURISDICTION OF THE COURTS OF THE STATE OF NEW YORK SITTING IN NEW YORK COUNTY AND

Body	OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, AND ANY APPELLATE COURT FROM ANY THEREOF, IN ANY ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT, OR FOR RECOGNITION OR ENFORCEMENT OF ANY JUDGMENT, AND EACH OF THE PARTIES HERETO IRREVOCABLY AND UNCONDITIONALLY AGREES THAT ALL CLAIMS IN RESPECT OF ANY SUCH ACTION OR PROCEEDING MAY BE HEARD AND DETERMINED IN SUCH NEW YORK STATE COURT ~~OR, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, IN SUCH FEDERAL COURT~~. EACH OF THE PARTIES HERETO AGREES THAT A FINAL JUDGMENT IN ANY SUCH ACTION OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW. NOTHING IN THIS AGREEMENT OR IN ANY OTHER LOAN DOCUMENT SHALL AFFECT ANY RIGHT THAT THE ADMINISTRATIVE AGENT, OR ANY LENDER MAY OTHERWISE HAVE TO BRING ANY ACTION OR PROCEEDING RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT AGAINST THE BORROWER OR ITS PROPERTIES IN THE COURTS OF ANY JURISDICTION. **From:** Hausauer, Kaylen R. <krhausauer@nd.gov> **Sent:** Monday, November 8, 2021 11:22 AM **To:** Mickelson, Lori S. <lmickelson@nd.gov> **Subject:** The North American Coal Corp Lori: Per your request, the following is some information regarding The North American Coal Corp (NACC) and why we are looking at being a party to a syndicated loan facility. PNC Bank has reached out to BND to gauge our interest in participating in a revolving line of credit to NACC. BND has not previously participated in this deal however due to an exit by a prior lender due to the nature of the borrower's industries (coal), BND has been approached to participate. BND has been requested to be a direct signer on the credit agreement rather than a participant in PNC's share. The proposed terms are as follows: 1. $150,000,000 revolving line of credit (RLOC) 1. 4 year term (pretty standard for this type of facility) 2. PNC will hold $55,000,000 3. KeyBank $40,000,000 4. Another lender $10,000,000 5. **BND $45,000,000 (30% of total)** The borrower is involved in coal surface mining/coal mining planning, mining of other diversified aggregates and reclamation and remediation. They are involved in the Coyote Creek, Freedom and Falkirk mine operations in ND. They have more than 100 years of mining experience. The RLOC may be used for working capital or for CapEx that may arise as they continue to diversify their operations. If you have any questions or need any additional information, please let me know! **Kaylen Hausauer** Business Banker **Bank of North Dakota** **1200 Memorial Highway | Bismarck, ND 58504** **P: 701-328-5604 | C: 701-226-6067 | F: 701-328-5731** **E: krhausauer@nd.gov | bnd.nd.gov** *Sign up to get email updates from Bank of North Dakota.* The information contained in this email message, and any attachments, may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient of this email message and have received it by mistake, please do not review, retain, disclose, or otherwise use the communication. Instead, we would appreciate it if you would notify Bank of North Dakota immediately by responding to this email. Thank you for your cooperation.

Record 1172

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, lhelms@nd.gov
Subject	Re: 20211108_DAPL_EIS_CAPresentation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:20:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:21:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:22:03.000 PM

Body	Ok, thanks. Please visit with me afterwards about it. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 8, 2021 6:19:03 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** RE: 20211108_DAPL_EIS_CAPresentation It starts at 9...invite is from 9-5pm. I believe there will be many participants... **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 8, 2021 6:18 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** Re: 20211108_DAPL_EIS_CAPresentation Ok, thanks for letting me know. What time, and how long will it last?. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 8, 2021 6:05:30 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** FW: 20211108_DAPL_EIS_CAPresentation FYI...we are having a zoom meeting tomorrow with the Corps re:the DAPL EIS. **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Monday, November 8, 2021 5:31 PM **To:** Steve Vance <stevev.crstpres@outlook.com>; Nikki Ducheneaux <NDucheneaux@bigfirelaw.com>; John Pretty Bear <john.prettybear@standingrock.org>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Lozano, VelRey <Lozano.VelRey@epa.gov>; Amity_bass@fws.gov; Dylan_turner@fws.gov **Cc:** Newman, Sheila M CIV USARMY CEPOA (USA) <Sheila.M.Newman@usace.army.mil>; Janis, Larry D CIV USARMY CENWO (USA) <Larry.D.Janis@usace.army.mil>; Tracy, Thomas J CIV USARMY CENWO (USA) <Thomas.J.Tracy@usace.army.mil>; Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil> **Subject:** 20211108_DAPL_EIS_CAPresentation **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All: Attached is the presentation for our Cooperating Agency meeting tomorrow. After the meeting, we will upload it to the sharefile site as well. Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045

Record 1173

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, lhelms@nd.gov
Subject	Re: 20211108_DAPL_EIS_CAPresentation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:20:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:21:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 6:22:03.000 PM

Body	Ok, thanks. Please visit with me afterwards about it. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 8, 2021 6:19:03 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** RE: 20211108_DAPL_EIS_CAPresentation It starts at 9...invite is from 9-5pm. I believe there will be many participants... **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 8, 2021 6:18 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** Re: 20211108_DAPL_EIS_CAPresentation Ok, thanks for letting me know. What time, and how long will it last?. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 8, 2021 6:05:30 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** FW: 20211108_DAPL_EIS_CAPresentation FYI...we are having a zoom meeting tomorrow with the Corps re:the DAPL EIS. **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Monday, November 8, 2021 5:31 PM **To:** Steve Vance <stevev.crstpres@outlook.com>; Nikki Ducheneaux <NDucheneaux@bigfirelaw.com>; John Pretty Bear <john.prettybear@standingrock.org>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Lozano, VelRey <Lozano.VelRey@epa.gov>; Amity_bass@fws.gov; Dylan_turner@fws.gov **Cc:** Newman, Sheila M CIV USARMY CEPOA (USA) <Sheila.M.Newman@usace.army.mil>; Janis, Larry D CIV USARMY CENWO (USA) <Larry.D.Janis@usace.army.mil>; Tracy, Thomas J CIV USARMY CENWO (USA) <Thomas.J.Tracy@usace.army.mil>; Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil> **Subject:** 20211108_DAPL_EIS_CAPresentation **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All: Attached is the presentation for our Cooperating Agency meeting tomorrow. After the meeting, we will upload it to the sharefile site as well. Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045

Record 1174

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Fwd:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 7:55:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 7:56:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 7:56:13.000 PM

Body	Visit with me right away in the morning about this please Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** 7016907956@vzwpix.com <7016907956@vzwpix.com> **Sent:** Monday, November 8, 2021 12:14:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:**
Attachments	text_0[16096].txt

Record 1175

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Fwd:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 7:55:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 7:56:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/8/2021 7:56:13.000 PM
Body	Visit with me right away in the morning about this please Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** 7016907956@vzwpix.com <7016907956@vzwpix.com> **Sent:** Monday, November 8, 2021 12:14:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:**
Attachments	text_0[12746].txt

Record 1176

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: S Ct case briefing / coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 9:40:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 9:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 9:39:00.000 AM

Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, November 9, 2021 7:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct case briefing / coordination ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne - §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1177

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: S Ct case briefing / coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 9:40:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 9:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 9:39:00.000 AM

Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, November 9, 2021 7:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct case briefing / coordination ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne - §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1178

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rgreenstein@naag.org
Subject	Re: REMINDER: Sign-On Opportunity: Military Justice Improvements and Increasing Prevention Act Support
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 10:59:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 10:59:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 10:59:35.000 AM

Body	North Dakota will join this letter. Thank you Wayne Stenehjem Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Ryan Greenstein <rgreenstein@naag.org> **Sent:** Tuesday, November 9, 2021 10:30:29 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Roberson-Young, Elizabeth <E.RobersonYoung@ilag.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov> **Subject:** REMINDER: Sign-On Opportunity: Military Justice Improvements and Increasing Prevention Act Support ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* As a reminder, if you'd like to sign-on to the attached letter, please email Ryan Greenstein by at rgreenstein@naag.org by **1:00pm ET on Wednesday, November 10th.** The lead sponsors' goal is to send the letter on Veteran's Day, November 11th. If you have any questions about the letter, please do not hesitate to contact Liza Roberson-Young of Illinois at E.RobersonYoung@ilag.gov or Josh Shasserre of Nebraska at joshua.shasserre@nebraska.gov. There are currently 11 signatories. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ashley Wynstra <awynstra@naag.org> **Sent:** Friday, November 5, 2021 3:53 PM **To:** Ashley Wynstra <awynstra@naag.org> **Cc:** Roberson-Young, Elizabeth <E.RobersonYoung@ilag.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; Ryan Greenstein <rgreenstein@naag.org> **Subject:** Sign-On Opportunity: Military Justice Improvements and Increasing Prevention Act Support *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please email Ryan Greenstein by at rgreenstein@naag.org by **1:00pm ET on Wednesday, November 10th.** The lead sponsors' goal is to send the letter on Veteran's Day, November 11th. If you have any questions about the letter, please do not hesitate to contact Liza Roberson-Young of Illinois at E.RobersonYoung@ilag.gov or Josh Shasserre of Nebraska at joshua.shasserre@nebraska.gov. For an update on signatories, you may access policy letters' status at this link. *Please note that because Ryan is out of the office today, the policy letter status website won't be updated until Monday.* Ashley Wynstra Communications Manager National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6027 office awynstra@naag.org www.naag.org
Attachments	image001[3881697].png, image002[3881699].png, image003[3881701].png

Record 1179

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rgreenstein@naag.org
Subject	Re: REMINDER: Sign-On Opportunity: Military Justice Improvements and Increasing Prevention Act Support
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 10:59:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 10:59:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 10:59:35.000 AM

Body	North Dakota will join this letter. Thank you Wayne Stenehjem Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Ryan Greenstein <rgreenstein@naag.org> **Sent:** Tuesday, November 9, 2021 10:30:29 AM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Roberson-Young, Elizabeth <E.RobersonYoung@ilag.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov> **Subject:** REMINDER: Sign-On Opportunity: Military Justice Improvements and Increasing Prevention Act Support ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* As a reminder, if you'd like to sign-on to the attached letter, please email Ryan Greenstein by at rgreenstein@naag.org by **1:00pm ET on Wednesday, November 10th.** The lead sponsors' goal is to send the letter on Veteran's Day, November 11th. If you have any questions about the letter, please do not hesitate to contact Liza Roberson-Young of Illinois at E.RobersonYoung@ilag.gov or Josh Shasserre of Nebraska at joshua.shasserre@nebraska.gov. There are currently 11 signatories. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ashley Wynstra <awynstra@naag.org> **Sent:** Friday, November 5, 2021 3:53 PM **To:** Ashley Wynstra <awynstra@naag.org> **Cc:** Roberson-Young, Elizabeth <E.RobersonYoung@ilag.gov>; Shasserre, Joshua <joshua.shasserre@nebraska.gov>; Ryan Greenstein <rgreenstein@naag.org> **Subject:** Sign-On Opportunity: Military Justice Improvements and Increasing Prevention Act Support *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please email Ryan Greenstein by at rgreenstein@naag.org by **1:00pm ET on Wednesday, November 10th.** The lead sponsors' goal is to send the letter on Veteran's Day, November 11th. If you have any questions about the letter, please do not hesitate to contact Liza Roberson-Young of Illinois at E.RobersonYoung@ilag.gov or Josh Shasserre of Nebraska at joshua.shasserre@nebraska.gov. For an update on signatories, you may access policy letters' status at this link. *Please note that because Ryan is out of the office today, the policy letter status website won't be updated until Monday.* **Ashley Wynstra** **Communications Manager** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6027 office awynstra@naag.org www.naag.org
Attachments	image001[8482].png, image002[8483].png, image003[8484].png

Record 1180

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lmickelson@nd.gov
Subject	Re: The North American Coal Corp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 11:42:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 11:42:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 11:42:07.000 AM

Body

Now is good

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, November 9, 2021 11:41:58 AM
To: Mickelson, Lori S. <lmickelson@nd.gov>
Subject: Re: The North American Coal Corp

Niw is good

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Mickelson, Lori S. <lmickelson@nd.gov>
Sent: Tuesday, November 9, 2021 9:43:46 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: The North American Coal Corp

I can come down anytime you are available. Should I check with Liz?

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Monday, November 8, 2021 6:20 PM
To: Mickelson, Lori S. <lmickelson@nd.gov>
Subject: Re: The North American Coal Corp

Please come down and we can confer.
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Mickelson, Lori S. <lmickelson@nd.gov>
Sent: Monday, November 8, 2021 2:25:25 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: The North American Coal Corp

NDCC §6-08.1-03; §6-09-35

11.11.1 Governing Law.

This Agreement and the other Loan Documents and any claims, controversy, dispute or cause of action (whether in contract or tort or otherwise) based upon, arising out of or relating to this Agreement or any other Loan Document (except, as to any other Loan Document, as expressly specified therein) and the transactions contemplated hereby and thereby shall be governed by, and construed in accordance with, the Law of the State of New York, without regard to its conflict of laws principles; provided, however, the interpretation or enforcement of any obligations or requirements imposed upon Bank of North Dakota under the North Dakota Century Code shall be governed by and construed in accordance with the law of the state of North Dakota.. Each standby Letter of Credit issued under this Agreement shall be subject, as applicable, to the rules of the Uniform Customs and Practice

Body	for Documentary Credits, as most recently published by the International Chamber of Commerce (the "ICC") at the time of issuance ("UCP") or the rules of the International Standby Practices (ICC Publication Number 590) ("ISP98"), as determined by the Issuing Lender, and each trade Letter of Credit shall be subject to UCP, and in each case to the extent not inconsistent therewith, the Laws of the State of New York without regard to its conflict of laws principles. 11.11.2 SUBMISSION TO JURISDICTION. THE BORROWER IRREVOCABLY AND UNCONDITIONALLY SUBMITS, FOR ITSELF AND ITS PROPERTY, TO THE NONEXCLUSIVE JURISDICTION OF THE COURTS OF THE STATE OF NEW YORK SITTING IN NEW YORK COUNTY AND OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, AND ANY APPELLATE COURT FROM ANY THEREOF, IN ANY ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT, OR FOR RECOGNITION OR ENFORCEMENT OF ANY JUDGMENT, AND EACH OF THE PARTIES HERETO IRREVOCABLY AND UNCONDITIONALLY AGREES THAT ALL CLAIMS IN RESPECT OF ANY SUCH ACTION OR PROCEEDING MAY BE HEARD AND DETERMINED IN SUCH NEW YORK STATE COURT ~~OR, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, IN SUCH FEDERAL COURT~~. EACH OF THE PARTIES HERETO AGREES THAT A FINAL JUDGMENT IN ANY SUCH ACTION OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW. NOTHING IN THIS AGREEMENT OR IN ANY OTHER LOAN DOCUMENT SHALL AFFECT ANY RIGHT THAT THE ADMINISTRATIVE AGENT, OR ANY LENDER MAY OTHERWISE HAVE TO BRING ANY ACTION OR PROCEEDING RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT AGAINST THE BORROWER OR ITS PROPERTIES IN THE COURTS OF ANY JURISDICTION. **From:** Hausauer, Kaylen R. <krhausauer@nd.gov> **Sent:** Monday, November 8, 2021 11:22 AM **To:** Mickelson, Lori S. <lmickelson@nd.gov> **Subject:** The North American Coal Corp Lori: Per your request, the following is some information regarding The North American Coal Corp (NACC) and why we are looking at being a party to a syndicated loan facility. PNC Bank has reached out to BND to gauge our interest in participating in a revolving line of credit to NACC. BND has not previously participated in this deal however due to an exit by a prior lender due to the nature of the borrower's industries (coal), BND has been approached to participate. BND has been requested to be a direct signer on the credit agreement rather than a participant in PNC's share. The proposed terms are as follows: 1. $150,000,000 revolving line of credit (RLOC) 1. 4 year term (pretty standard for this type of facility) 2. PNC will hold $55,000,000 3. KeyBank $40,000,000 4. Another lender $10,000,000 5. **BND $45,000,000 (30% of total)** The borrower is involved in coal surface mining/coal mining planning, mining of other diversified aggregates and reclamation and remediation. They are involved in the Coyote Creek, Freedom and Falkirk mine operations in ND. They have more than 100 years of mining experience. The RLOC may be used for working capital or for CapEx that may arise as they continue to diversify their operations. If you have any questions or need any additional information, please let me know! **Kaylen Hausauer** Business Banker **Bank of North Dakota** **1200 Memorial Highway | Bismarck, ND 58504** **P: 701-328-5604 | C: 701-226-6067 | F: 701-328-5731** **E: krhausauer@nd.gov | bnd.nd.gov** *Sign up to get email updates from Bank of North Dakota.* The information contained in this email message, and any attachments, may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient of this email message and have received it by mistake, please do not review, retain, disclose, or otherwise use the communication. Instead, we would appreciate it if you would notify Bank of North Dakota immediately by responding to this email. Thank you for your cooperation.

Record 1181

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lmickelson@nd.gov
Subject	Re: The North American Coal Corp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 11:42:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 11:42:07.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 11:42:07.000 AM

Body

Now is good

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, November 9, 2021 11:41:58 AM
To: Mickelson, Lori S. <lmickelson@nd.gov>
Subject: Re: The North American Coal Corp

Niw is good

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Mickelson, Lori S. <lmickelson@nd.gov>
Sent: Tuesday, November 9, 2021 9:43:46 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: The North American Coal Corp

I can come down anytime you are available. Should I check with Liz?

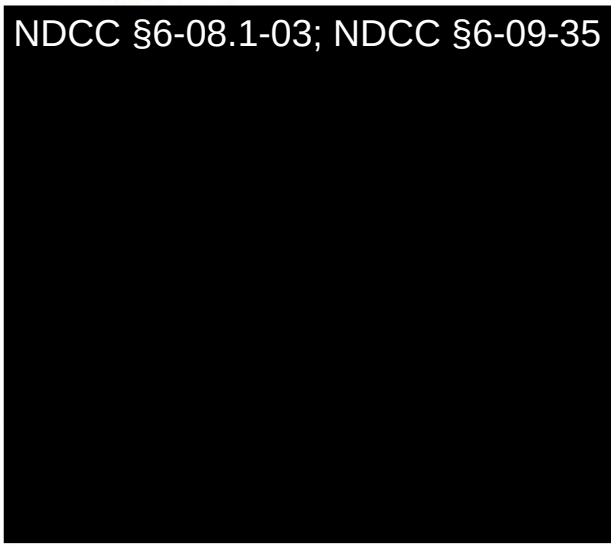
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Monday, November 8, 2021 6:20 PM
To: Mickelson, Lori S. <lmickelson@nd.gov>
Subject: Re: The North American Coal Corp

Please come down and we can confer.
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Mickelson, Lori S. <lmickelson@nd.gov>
Sent: Monday, November 8, 2021 2:25:25 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: The North American Coal Corp

NDCC §6-08.1-03; NDCC §6-09-35



11.11.1 Governing Law.

This Agreement and the other Loan Documents and any claims, controversy, dispute or cause of action (whether in contract or tort or otherwise) based upon, arising out of or relating to this Agreement or any other Loan Document (except, as to any other Loan Document, as expressly specified therein) and the transactions contemplated hereby and thereby shall be governed by, and construed in accordance with, the Law of the State of New York, without regard to its conflict of laws principles; provided, however, the interpretation or enforcement of any obligations or requirements imposed upon Bank of North Dakota under the North Dakota Century Code shall be governed by and construed in accordance with the law of the state of North Dakota.. Each standby Letter of Credit issued under this Agreement shall be subject, as applicable, to the rules of the Uniform Customs and Practice

Body	for Documentary Credits, as most recently published by the International Chamber of Commerce (the "ICC") at the time of issuance ("UCP") or the rules of the International Standby Practices (ICC Publication Number 590) ("ISP98"), as determined by the Issuing Lender, and each trade Letter of Credit shall be subject to UCP, and in each case to the extent not inconsistent therewith, the Laws of the State of New York without regard to its conflict of laws principles. 11.11.2 SUBMISSION TO JURISDICTION. THE BORROWER IRREVOCABLY AND UNCONDITIONALLY SUBMITS, FOR ITSELF AND ITS PROPERTY, TO THE NONEXCLUSIVE JURISDICTION OF THE COURTS OF THE STATE OF NEW YORK SITTING IN NEW YORK COUNTY AND OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, AND ANY APPELLATE COURT FROM ANY THEREOF, IN ANY ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT, OR FOR RECOGNITION OR ENFORCEMENT OF ANY JUDGMENT, AND EACH OF THE PARTIES HERETO IRREVOCABLY AND UNCONDITIONALLY AGREES THAT ALL CLAIMS IN RESPECT OF ANY SUCH ACTION OR PROCEEDING MAY BE HEARD AND DETERMINED IN SUCH NEW YORK STATE COURT ~~OR, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, IN SUCH FEDERAL COURT~~. EACH OF THE PARTIES HERETO AGREES THAT A FINAL JUDGMENT IN ANY SUCH ACTION OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW. NOTHING IN THIS AGREEMENT OR IN ANY OTHER LOAN DOCUMENT SHALL AFFECT ANY RIGHT THAT THE ADMINISTRATIVE AGENT, OR ANY LENDER MAY OTHERWISE HAVE TO BRING ANY ACTION OR PROCEEDING RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT AGAINST THE BORROWER OR ITS PROPERTIES IN THE COURTS OF ANY JURISDICTION. **From:** Hausauer, Kaylen R. <krhausauer@nd.gov> **Sent:** Monday, November 8, 2021 11:22 AM **To:** Mickelson, Lori S. <lmickelson@nd.gov> **Subject:** The North American Coal Corp Lori: Per your request, the following is some information regarding The North American Coal Corp (NACC) and why we are looking at being a party to a syndicated loan facility. PNC Bank has reached out to BND to gauge our interest in participating in a revolving line of credit to NACC. BND has not previously participated in this deal however due to an exit by a prior lender due to the nature of the borrower's industries (coal), BND has been approached to participate. BND has been requested to be a direct signer on the credit agreement rather than a participant in PNC's share. The proposed terms are as follows: 1. $150,000,000 revolving line of credit (RLOC) 1. 4 year term (pretty standard for this type of facility) 2. PNC will hold $55,000,000 3. KeyBank $40,000,000 4. Another lender $10,000,000 5. **BND $45,000,000 (30% of total)** The borrower is involved in coal surface mining/coal mining planning, mining of other diversified aggregates and reclamation and remediation. They are involved in the Coyote Creek, Freedom and Falkirk mine operations in ND. They have more than 100 years of mining experience. The RLOC may be used for working capital or for CapEx that may arise as they continue to diversify their operations. If you have any questions or need any additional information, please let me know! **Kaylen Hausauer** Business Banker **Bank of North Dakota** **1200 Memorial Highway | Bismarck, ND 58504** **P: 701-328-5604 | C: 701-226-6067 | F: 701-328-5731** **E: krhausauer@nd.gov | bnd.nd.gov** *Sign up to get email updates from Bank of North Dakota.* The information contained in this email message, and any attachments, may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient of this email message and have received it by mistake, please do not review, retain, disclose, or otherwise use the communication. Instead, we would appreciate it if you would notify Bank of North Dakota immediately by responding to this email. Thank you for your cooperation.

Record 1182

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 3:07:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 3:07:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 3:07:41.000 PM

Body	We'll be done here shortly to confer... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, November 9, 2021 2:55:21 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint I recommend we join. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 9, 2021 2:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov> **Subject:** FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint FYI, do we want to join? **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Tuesday, November 9, 2021 11:28 AM **To:** 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie < Maddie.Green@ago.mo.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All- Several of you have inquired about plans to file a lawsuit challenging the federal CMS vaccine mandate for health-care workers. Attached is a proposed draft complaint that Nebraska and Missouri have prepared, which we plan to file tomorrow morning in E.D. Mo. We hope to follow up promptly with a motion for preliminary injunction. Special thanks to Jim Campbell for a lot of incredibly fast heavy lifting on this draft over the last several days. Please let us know by tomorrow morning at 9:30 am Central if your State is interested in joining. Please copy me, Jim, and Jesus Osete of our office (cc'ed) on your responses. Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
CC	jealm@nd.gov

Record 1183

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 3:07:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 3:07:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 3:07:41.000 PM

Body	We'll be done here shortly to confer... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, November 9, 2021 2:55:21 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint I recommend we join. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 9, 2021 2:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov> **Subject:** FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint FYI, do we want to join? **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Tuesday, November 9, 2021 11:28 AM **To:** 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie < Maddie.Green@ago.mo.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All- Several of you have inquired about plans to file a lawsuit challenging the federal CMS vaccine mandate for health-care workers. Attached is a proposed draft complaint that Nebraska and Missouri have prepared, which we plan to file tomorrow morning in E.D. Mo. We hope to follow up promptly with a motion for preliminary injunction. Special thanks to Jim Campbell for a lot of incredibly fast heavy lifting on this draft over the last several days. Please let us know by tomorrow morning at 9:30 am Central if your State is interested in joining. Please copy me, Jim, and Jesus Osete of our office (cc'ed) on your responses. Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
CC	jealm@nd.gov

Record 1184

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 4:48:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 4:48:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 4:48:00.000 PM

Body	Please print this on the big printer, one sided **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 9, 2021 2:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov> **Subject:** FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint FYI, do we want to join? **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Tuesday, November 9, 2021 11:28 AM **To:** 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All- Several of you have inquired about plans to file a lawsuit challenging the federal CMS vaccine mandate for health-care workers. Attached is a proposed draft complaint that Nebraska and Missouri have prepared, which we plan to file tomorrow morning in E.D. Mo. We hope to follow up promptly with a motion for preliminary injunction. Special thanks to Jim Campbell for a lot of incredibly fast heavy lifting on this draft over the last several days. Please let us know by tomorrow morning at 9:30 am Central if your State is interested in joining. Please copy me, Jim, and Jesus Osete of our office (cc'ed) on your responses. Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	16095.docx

Record 1185

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 4:48:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 4:48:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/9/2021 4:48:00.000 PM

Body	Please print this on the big printer, one sided **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 9, 2021 2:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Alm, Jonathan E. <jealm@nd.gov> **Subject:** FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint FYI, do we want to join? **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Tuesday, November 9, 2021 11:28 AM **To:** 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Green, Maddie <Maddie.Green@ago.mo.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Federal Vaccine Mandate for Health-Care Workers - Draft Complaint ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All- Several of you have inquired about plans to file a lawsuit challenging the federal CMS vaccine mandate for health-care workers. Attached is a proposed draft complaint that Nebraska and Missouri have prepared, which we plan to file tomorrow morning in E.D. Mo. We hope to follow up promptly with a motion for preliminary injunction. Special thanks to Jim Campbell for a lot of incredibly fast heavy lifting on this draft over the last several days. Please let us know by tomorrow morning at 9:30 am Central if your State is interested in joining. Please copy me, Jim, and Jesus Osete of our office (cc'ed) on your responses. Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.
Attachments	12745.docx

Record 1186

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	RE: FYI - new case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 8:36:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 8:36:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 8:36:00.000 AM

Body	Glad we're stepping up on this case. Terrible incident. Wayne **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, November 9, 2021 4:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FYI - new case Boss, Upon request of the William's County State's Attorney, we agreed to take over the prosecution of Mark Bearce today. He was charged yesterday with Criminal Vehicular Homicide and Reckless Driving after an accident on Saturday that killed a woman and her 7-year-old daughter. Mr. Bearce is alleged to have been drinking and driving. Apparently there is a staff member in the Williams County SAO that is related to the defendant and the victim was a social worker with Williams County. The Highway Patrol is investigating the accident so our case should be in good hands. Just wanted to keep you in the loop. *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1187

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	RE: FYI - new case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 8:36:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 8:36:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 8:36:00.000 AM
Body	Glad we're stepping up on this case. Terrible incident. Wayne **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, November 9, 2021 4:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FYI - new case Boss, Upon request of the William's County State's Attorney, we agreed to take over the prosecution of Mark Bearce today. He was charged yesterday with Criminal Vehicular Homicide and Reckless Driving after an accident on Saturday that killed a woman and her 7-year-old daughter. Mr. Bearce is alleged to have been drinking and driving. Apparently there is a staff member in the Williams County SAO that is related to the defendant and the victim was a social worker with Williams County. The Highway Patrol is investigating the accident so our case should be in good hands. Just wanted to keep you in the loop. *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1188

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dmcdanie@nd.gov
Subject	RE: October 2021 E-tabs

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 11:31:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 11:31:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 11:31:00.000 AM
Body	Incredible **From:** McDaniel, Deborah A. <dmcdanie@nd.gov> **Sent:** Wednesday, November 10, 2021 7:57 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** October 2021 E-tabs FYI – for the month of October 2021 e-tab Gross Proceeds were $150,715,589 and Adjusted Gross $15,726,703. This was the highest monthly proceeds since the start of e-tabs. In total e-tabs have Grossed $3,006,513,293/ Prizes $2,695,341,315 and Adjusted Gross of $311,171,978

Record 1189

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dmcdanie@nd.gov
Subject	RE: October 2021 E-tabs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 11:31:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 11:31:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 11:31:00.000 AM
Body	Incredible **From:** McDaniel, Deborah A. <dmcdanie@nd.gov> **Sent:** Wednesday, November 10, 2021 7:57 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** October 2021 E-tabs FYI – for the month of October 2021 e-tab Gross Proceeds were $150,715,589 and Adjusted Gross $15,726,703. This was the highest monthly proceeds since the start of e-tabs. In total e-tabs have Grossed $3,006,513,293/ Prizes $2,695,341,315 and Adjusted Gross of $311,171,978

Record 1190

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 12:53:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 12:53:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 12:53:00.000 PM

Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Wednesday, November 10, 2021 12:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne & Matt - §44-04-19.1 Paul Begin forwarded message: **From:** Amy Strankowski <amy_strankowski@ndd.uscourts.gov> **Date:** November 8, 2021 at 8:25:17 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, masagsve@nd.gov, jane.bobet@usdoj.gov, victor.scarpato@usdoj.gov, logan.steiner@usdoj.gov **Subject: RE: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America** *EXTERNAL TO GT* §44-04-19.1 Thank you, Amy Strankowski Law Clerk to Magistrate Judge Alice R. Senechal 655 1st Ave. N., Suite 440 Fargo, ND 58102 701-297-7072 **From:** NDD J-Senechal <NDD_J-Senechal@ndd.uscourts.gov> **Sent:** Monday, November 8, 2021 7:43 AM **To:** sebyp@gtamylaw.com; masagsve@nd.gov; jane.bobet@usdoj.gov; victor.scarpato@usdoj.gov ; logan.steiner@usdoj.gov **Cc:** Amy Strankowski <amy_strankowski@ndd.uscourts.gov> **Subject:** 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America Good morning. §44-04-19.1 Thank you. Alice R. Senechal United States Magistrate Judge District of North Dakota 701-297-7070 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1191

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 12:53:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 12:53:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 12:53:00.000 PM

Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Wednesday, November 10, 2021 12:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne & Matt - §44-04-19.1 Paul Begin forwarded message: **From:** Amy Strankowski <amy_strankowski@ndd.uscourts.gov> **Date:** November 8, 2021 at 8:25:17 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, masagsve@nd.gov, jane.bobet@usdoj.gov, victor.scarpato@usdoj.gov, logan.steiner@usdoj.gov **Subject: RE: 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America** *EXTERNAL TO GT* §44-04-19.1 Thank you, Amy Strankowski Law Clerk to Magistrate Judge Alice R. Senechal 655 1st Ave. N., Suite 440 Fargo, ND 58102 701-297-7072 **From:** NDD J-Senechal <NDD_J-Senechal@ndd.uscourts.gov> **Sent:** Monday, November 8, 2021 7:43 AM **To:** sebyp@gtamylaw.com; masagsve@nd.gov; jane.bobet@usdoj.gov; victor.scarpato@usdoj.gov ; logan.steiner@usdoj.gov **Cc:** Amy Strankowski <amy_strankowski@ndd.uscourts.gov> **Subject:** 1:19-cv-00150-DMT-ARS - North Dakota, State of v. United States of America Good morning. §44-04-19.1 Thank you. Alice R. Senechal United States Magistrate Judge District of North Dakota 701-297-7070 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1192

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	RE: Connors Letter - Needs to Go Out Today
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 1:00:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 1:00:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 1:00:00.000 PM

Body	Ok. Have Liz send my signature **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, November 10, 2021 10:44 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Connors Letter - Needs to Go Out Today Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Shalyn Kettering <Shalyn.Kettering@coag.gov> **Sent:** Wednesday, November 10, 2021 9:42 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; gabrielle.viator@state.ma.us; Michelle Williams <Michelle.Williams@ago.ms.gov> **Cc:** Karen White <karen.white@agalliance.org>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov> **Subject:** Connors Letter - Needs to Go Out Today ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning all, Ryan at NAAG let me know this morning that it looks like the vote on Connor's confirmation may happen on Friday and he recommends we skip going through NAAG and get the letter out today with this group's signatures. AG Weiser agrees and would like the letter sent today. If you agree, would you be willing to send me your AG's signature and we will get the letter out today? Thank you so much! **Shalyn Kettering** **Counsel to the Attorney General** | Colorado Department of Law P: 805-975-2932 | Shalyn.Kettering@coag.gov
CC	lbrocker@nd.gov

Record 1193

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	RE: Connors Letter - Needs to Go Out Today
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 1:00:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 1:00:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 1:00:00.000 PM

Body	Ok. Have Liz send my signature **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, November 10, 2021 10:44 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Connors Letter - Needs to Go Out Today Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Shalyn Kettering <Shalyn.Kettering@coag.gov> **Sent:** Wednesday, November 10, 2021 9:42 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; gabrielle.viator@state.ma.us; Michelle Williams <Michelle.Williams@ago.ms.gov> **Cc:** Karen White <karen.white@agalliance.org>; Natalie Hanlon Leh <Natalie.HanlonLeh@coag.gov> **Subject:** Connors Letter - Needs to Go Out Today ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning all, Ryan at NAAG let me know this morning that it looks like the vote on Connor's confirmation may happen on Friday and he recommends we skip going through NAAG and get the letter out today with this group's signatures. AG Weiser agrees and would like the letter sent today. If you agree, would you be willing to send me your AG's signature and we will get the letter out today? Thank you so much! **Shalyn Kettering** **Counsel to the Attorney General** | Colorado Department of Law P: 805-975-2932 | Shalyn.Kettering@coag.gov
CC	lbrocker@nd.gov

Record 1194

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sertelt@nd.gov, lbrocker@nd.gov
Subject	RE: Solicitation Number 301-221-21.06 - COVID-19 Immunization Certificate with a Vaccine Q R Code
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 3:54:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 3:54:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 3:54:00.000 PM

Body	Thanks, Rep. Ertelt, for copying me on this email. When you hear from the LC with their response, please feel free to share it with me if you so wish. Best, Wayne **From:** Ertelt, Sebastian <sertelt@nd.gov> **Sent:** Wednesday, November 10, 2021 3:13 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Solicitation Number 301-221-21.06 - COVID-19 Immunization Certificate with a Vaccine QR Code Liz, I saw the Attorney General in the hall so I spoke with him briefly about Solicitation Number 301-221-21.06 - COVID-19 Immunization Certificate with a Vaccine QR Code and asked for his opinion. I will visit with LC regarding the question of authority to retain immunization data. Kind regards, Sebastian Ertelt State Representative North Dakota District 26 67th Legislative Assembly Finance & Taxation Committee Political Subdivisions Committee Judiciary Committee (Interim) Information & Technology Committee (Interim) M 701.680.7988

Record 1195

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sertelt@nd.gov, lbrocker@nd.gov
Subject	RE: Solicitation Number 301-221-21.06 - COVID-19 Immunization Certificate with a Vaccine Q R Code
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 3:54:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 3:54:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 3:54:00.000 PM
Body	Thanks, Rep. Ertelt, for copying me on this email. When you hear from the LC with their response, please feel free to share it with me if you so wish. Best, Wayne **From:** Ertelt, Sebastian <sertelt@nd.gov> **Sent:** Wednesday, November 10, 2021 3:13 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Solicitation Number 301-221-21.06 - COVID-19 Immunization Certificate with a Vaccine QR Code Liz, I saw the Attorney General in the hall so I spoke with him briefly about Solicitation Number 301-221-21.06 - COVID-19 Immunization Certificate with a Vaccine QR Code and asked for his opinion. I will visit with LC regarding the question of authority to retain immunization data. Kind regards, Sebastian Ertelt State Representative North Dakota District 26 67th Legislative Assembly Finance & Taxation Committee Political Subdivisions Committee Judiciary Committee (Interim) Information & Technology Committee (Interim) M 701.680.7988

Record 1196

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Laura Dresser
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 9:02:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 9:02:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 9:02:00.000 PM
Body	
Attachments	16094.pdf

Record 1197

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Laura Dresser
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 9:02:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 9:02:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/10/2021 9:02:00.000 PM
Body	
Attachments	12744.pdf

Record 1198

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dmcdanie@nd.gov, tseibel@nd.gov
Subject	RE: HB 1509
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 7:09:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 7:09:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 7:09:00.000 AM
Body	Thanks. We've been following this as well. Wayne **From:** McDaniel, Deborah A. <dmcdanie@nd.gov> **Sent:** Wednesday, November 10, 2021 7:47 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: HB 1509 HB 1509 was amended and was forwarded as a "Do Pass" unanimously in the Joint Technical Corrections Committee this evening. It should be brought to the House Floor for vote tomorrow 11/11/21. I will update tomorrow on the outcome.

Record 1199

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dmcdanie@nd.gov, tseibel@nd.gov
Subject	RE: HB 1509
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 7:09:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 7:09:50.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 7:09:00.000 AM
Body	Thanks. We've been following this as well. Wayne **From:** McDaniel, Deborah A. <dmcdanie@nd.gov> **Sent:** Wednesday, November 10, 2021 7:47 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: HB 1509 HB 1509 was amended and was forwarded as a "Do Pass" unanimously in the Joint Technical Corrections Committee this evening. It should be brought to the House Floor for vote tomorrow 11/11/21. I will update tomorrow on the outcome.

Record 1200

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Media
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 11:39:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 11:39:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 11:39:00.000 AM
Body	Done **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, November 11, 2021 10:05 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media Reminder – Ali at WDAY radio, vaccine mandate lawsuits, before 4pm today, 763-232-8977. Liz

Record 1201

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Media
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 11:39:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 11:39:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 11:39:00.000 AM
Body	Done **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, November 11, 2021 10:05 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media Reminder – Ali at WDAY radio, vaccine mandate lawsuits, before 4pm today, 763-232-8977. Liz

Record 1202

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 4:22:02.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 4:22:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 4:22:00.000 PM
Body	
Attachments	16093.eml, 16092.eml, 16091.eml

Record 1203

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 4:22:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 4:22:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/11/2021 4:22:00.000 PM
Body	
Attachments	12743.eml, 12742.eml, 12741.eml

Record 1204

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	FW: EIS Redline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 12:59:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 12:59:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 12:59:00.000 PM
Body	**From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 11:28 AM **To:** sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Rockeman, Karl H. <krockema@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Heiser, Gerald R. <gheiser@nd.gov> **Subject:** EIS Redline FYI, the Corps provided this redline draft of the November EIS today. Matt
Attachments	Corps.Nov.EIS.Redline[16090].pdf

Record 1205

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	FW: EIS Redline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 12:59:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 12:59:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 12:59:00.000 PM

Body	**From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 11:28 AM **To:** sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Rockeman, Karl H. <krockema@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Heiser, Gerald R. <gheiser@nd.gov> **Subject:** EIS Redline FYI, the Corps provided this redline draft of the November EIS today. Matt
Attachments	Corps.Nov.EIS.Redline[12740].pdf

Record 1206

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: EIS Redline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:31.000 PM
Body	Yes, I did. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 1:23:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: EIS Redline Did you intend to send this back to me? Did I make some type of mistake? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 12, 2021 12:59 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: EIS Redline **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 11:28 AM **To:** sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Rockeman, Karl H. <krockema@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Heiser, Gerald R. <gheiser@nd.gov> **Subject:** EIS Redline FYI, the Corps provided this redline draft of the November EIS today. Matt

Record 1207

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: EIS Redline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:31.000 PM

Body	Yes, I did. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 1:23:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: EIS Redline Did you intend to send this back to me? Did I make some type of mistake? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 12, 2021 12:59 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: EIS Redline **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 11:28 AM **To:** sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Rockeman, Karl H. <krockema@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Heiser, Gerald R. <gheiser@nd.gov> **Subject:** EIS Redline FYI, the Corps provided this redline draft of the November EIS today. Matt

Record 1208

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: EIS Redline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:50.000 PM
Body	It says I can't open it Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 12, 2021 1:35:30 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Re: EIS Redline Yes, I did. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 1:23:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: EIS Redline Did you intend to send this back to me? Did I make some type of mistake? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 12, 2021 12:59 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: EIS Redline **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 11:28 AM **To:** sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Rockeman, Karl H. <krockema@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Heiser, Gerald R. <gheiser@nd.gov> **Subject:** EIS Redline FYI, the Corps provided this redline draft of the November EIS today. Matt

Record 1209

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: EIS Redline
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 1:35:50.000 PM
Body	It says I can't open it Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 12, 2021 1:35:30 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Re: EIS Redline Yes, I did. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 1:23:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: EIS Redline Did you intend to send this back to me? Did I make some type of mistake? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 12, 2021 12:59 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** FW: EIS Redline **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 12, 2021 11:28 AM **To:** sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Rockeman, Karl H. <krockema@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Heiser, Gerald R. <gheiser@nd.gov> **Subject:** EIS Redline FYI, the Corps provided this redline draft of the November EIS today. Matt

Record 1210

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ahicks@nd.gov
Subject	RE: Potential FDA - AGO collaboration re D8 THC
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 2:23:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 2:23:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 2:23:00.000 PM

Body	Yes, the three who are copied herein Wayne **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 12, 2021 2:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Potential FDA - AGO collaboration re D8 THC Wayne, Is there anyone from BCI or other divisions of the AGO that you'd like me to forward this invite to? Thanks. Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Austin Bernstein <abernstein@agalliance.org> **Sent:** Friday, November 12, 2021 7:45 AM **To:** Wilson, Joan M (LAW) <joan.wilson@alaska.gov>; Shannon Halijan <shannon.halijan@arkansasag.gov>; Isaak, Jason <Jason.Isaak@azag.gov>; Harinder Kapur <harinder.kapur@doj.ca.gov>; Ross Hoogerhyde <ross.hoogerhyde@coag.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>; Groh, Caitlin <Caitlin.Groh@ilag.gov>; Landry, Anne (AGO) <anne.landry@state.ma.us>; Michelle Brya <BryaM@michigan.gov>; Shannon OFallon <shannon.ofallon@doj.state.or.us>; Bruce Turcott <bruce.turcott@atg.wa.gov>; Ashely Balducci <abalducci@ag.ny.gov>; Goff, Andrew D <andrew.d.goff@hawaii.gov>; Hicks, Allyson M. <ahicks@nd.gov>; Lori Carter <lori.carter@oag.ok.gov>; mbaca@nmag.gov; Weniger, Melanie <Melanie.Weniger@ag.ny.gov>; Hova, Jarret <Jarret.Hova@ag.ny.gov>; Cachola, Leslieann <Leslieann.Cachola@ag.ny.gov>; Templar, Matthew <Matthew.Templar@state.sd.us>; Carol Thomas-Jacobs <carol.jacobs@vi.gov> **Cc:** David Blake <David.Blake@agalliance.org> **Subject:** Potential FDA - AGO collaboration re D8 THC ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Advisory Council members and friends, I hope this email finds you well. As you know, the rise of delta-8 THC products is a hot button issue. Following the October webinar AGA supported on the topic, counterparts at the US FDA reached out to inquire whether our members (your offices) would be interest in collaborating to address the issue. On **Friday, November 19, at 2:30pm EST,** AGA and FDA will be convening a closed door meeting between to discuss how to share information and collaborate on the enforcement. ***This meeting is closed to AGO staff only.*** The purpose of this meeting is to have a preliminary conversation about information sharing, potential investigations and enforcement activity, and partnership across levels of government. My understanding is that expected attendance from FDA includes staff from intergovernmental affairs, legal, and investigative verticals. I will be sharing a separate email with a calendar invite that FDA generated to those on this email chain. If you are the appropriate contact for your office to join this preliminary conversation, please accept the invite. **If another member of your office is a more appropriate point of contact on the delta-8 THC issue, please forward the calendar invite and notify me.** Please feel free to reach out with any comments, questions, or concerns. Best **Austin P. Bernstein** *Director,* AG Alliance Cannabis Project P: (248) 259-9576 https://www.agalliance.org/cannabis-project/ *The AG Alliance is a non-profit, educational organization. Nothing in this email is intended to represent the views or opinions of the Attorneys General, or advocate on behalf of a particular policy position to the Attorney General community.*
CC	lgrabowska@nd.gov, crittenbach@nd.gov, rquinn@nd.gov

Record 1211

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ahicks@nd.gov
Subject	RE: Potential FDA - AGO collaboration re D8 THC
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 2:23:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 2:23:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/12/2021 2:23:00.000 PM

Body	Yes, the three who are copied herein Wayne **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Friday, November 12, 2021 2:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Potential FDA - AGO collaboration re D8 THC Wayne, Is there anyone from BCI or other divisions of the AGO that you'd like me to forward this invite to? Thanks, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Austin Bernstein <abernstein@agalliance.org> **Sent:** Friday, November 12, 2021 7:45 AM **To:** Wilson, Joan M (LAW) <joan.wilson@alaska.gov>; Shannon Halijan <shannon.halijan@arkansasag.gov>; Isaak, Jason <Jason.Isaak@azag.gov>; Harinder Kapur <harinder.kapur@doj.ca.gov>; Ross Hoogerhyde <ross.hoogerhyde@coag.gov>; Blake, Jonathan <Jonathan.Blake@ct.gov>; Groh, Caitlin <Caitlin.Groh@ilag.gov>; Landry, Anne (AGO) <anne.landry@state.ma.us>; Michelle Brya <BryaM@michigan.gov>; Shannon OFallon <shannon.ofallon@doj.state.or.us>; Bruce Turcott <bruce.turcott@atg.wa.gov>; Ashely Balducci <abalducci@ag.ny.gov>; Goff, Andrew D <andrew.d.goff@hawaii.gov>; Hicks, Allyson M. <ahicks@nd.gov>; Lori Carter <lori.carter@oag.ok.gov>; mbaca@nmag.gov; Weniger, Melanie <Melanie.Weniger@ag.ny.gov>; Hova, Jarret <Jarret.Hova@ag.ny.gov>; Cachola, Leslieann <Leslieann.Cachola@ag.ny.gov>; Templar, Matthew <Matthew.Templar@state.sd.us>; Carol Thomas-Jacobs <carol.jacobs@vi.gov> **Cc:** David Blake <David.Blake@agalliance.org> **Subject:** Potential FDA - AGO collaboration re D8 THC ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Advisory Council members and friends, I hope this email finds you well. As you know, the rise of delta-8 THC products is a hot button issue. Following the October webinar AGA supported on the topic, counterparts at the US FDA reached out to inquire whether our members (your offices) would be interest in collaborating to address the issue. On **Friday, November 19, at 2:30pm EST,** AGA and FDA will be convening a closed door meeting between to discuss how to share information and collaborate on the enforcement. ***This meeting is closed to AGO staff only.*** The purpose of this meeting is to have a preliminary conversation about information sharing, potential investigations and enforcement activity, and partnership across levels of government. My understanding is that expected attendance from FDA includes staff from intergovernmental affairs, legal, and investigative verticals. I will be sharing a separate email with a calendar invite that FDA generated to those on this email chain. If you are the appropriate contact for your office to join this preliminary conversation, please accept the invite. **If another member of your office is a more appropriate point of contact on the delta-8 THC issue, please forward the calendar invite and notify me.** Please feel free to reach out with any comments, questions, or concerns. Best **Austin P. Bernstein** *Director,* AG Alliance Cannabis Project P: (248) 259-9576 https://www.agalliance.org/cannabis-project/ *The AG Alliance is a non-profit, educational organization. Nothing in this email is intended to represent the views or opinions of the Attorneys General, or advocate on behalf of a particular policy position to the Attorney General community.*
CC	lgrabowska@nd.gov, crittenbach@nd.gov, rquinn@nd.gov

Record 1212

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Heather Banker
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 10:13:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 10:13:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 10:13:00.000 AM

Body	**From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Thursday, March 18, 2021 9:43 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Leingang, Ben <bleingang@nd.gov> **Subject:** Heather Banker Wayne and Troy, Heather Banker is a newly hired (08/17/20) Intelligence Analyst with NDBCI assigned to the ND State and Local Intelligence Center. Heather has been struggling with §44-04-18.7(6); §44-04-18. and recently learned she is suffering from §44-04-18.7(6); §44-04-18.32 She has been placed on the §44-04-18.7(6); §44-0 for §44-04-18.7(6); §44-04-18.32 She does not know how long the wait will take, but her doctor expects her to have the §44-04-18.7(6); §44-04- within a year. Heather is also in the process of having family and friends tested. Once she finds a match, Heather will typically have to be at the hospital (Bismarck or Fargo) within a few hours. Once she has the surgery, she will be expected to be out of work for approximately a month. In the meantime, she will be having several appointments each week. I just wanted to pass on the message. Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 ell lgrabowska@nd.gov
Attachments	image001[12321].gif, image003[12322].jpg

Record 1213

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Heather Banker
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 10:13:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 10:13:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 10:13:00.000 AM

Body	**From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Thursday, March 18, 2021 9:43 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Leingang, Ben <bleingang@nd.gov> **Subject:** Heather Banker Wayne and Troy, Heather Banker is a newly hired (08/17/20) Intelligence Analyst with NDBCI assigned to the ND State and Local Intelligence Center. Heather has been struggling with §44-04-18.7(6); §44-04-18.3 and recently learned she is suffering from §44-04-18.7(6); §44-04-18.32 She has been placed on the §44-04-18.7(6); §44-0 for §44-04-18.7(6); §44-04-18.32 She does not know how long the wait will take, but her doctor expects her to have the §44-04-18.7(6); §44-04- within a year. Heather is also in the process of having family and friends tested. Once she finds a match, Heather will typically have to be at the hospital (Bismarck or Fargo) within a few hours. Once she has the surgery, she will be expected to be out of work for approximately a month. In the meantime, she will be having several appointments each week. I just wanted to pass on the message. Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 cell lgrabowska@nd.gov
Attachments	image001[8769].gif, image003[8770].jpg

Record 1214

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:33.000 PM

Body

Thanks for sharing. I was trying to get this from somewhere
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 14, 2021 1:42:35 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****
The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

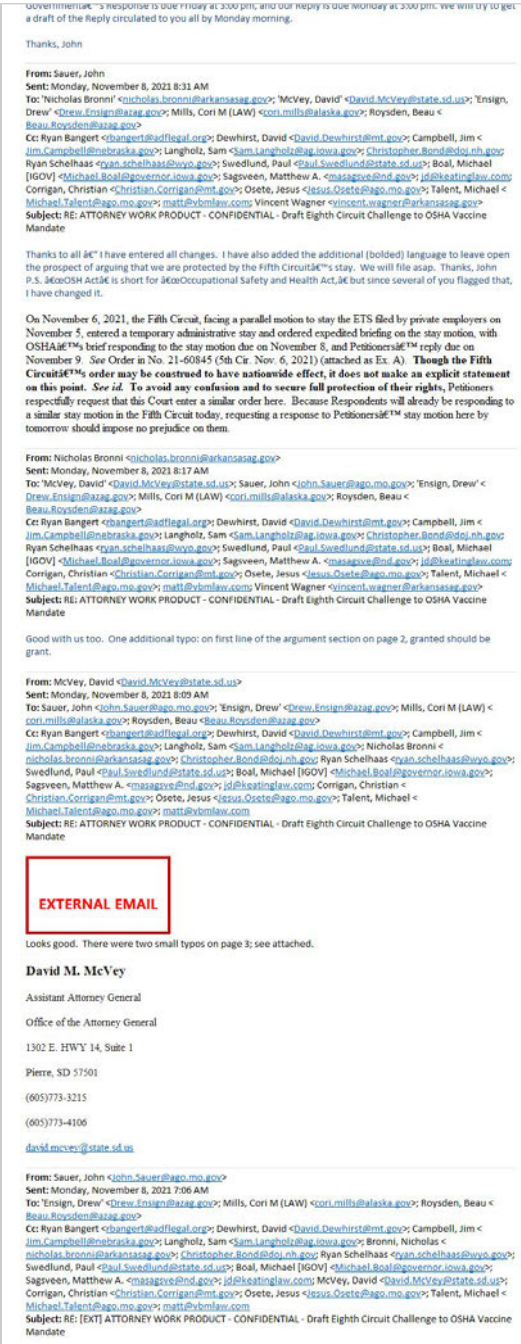
As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The

Body



Government's response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€" I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John
P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights,** Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:06 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any comments, and sorry for the short notice. Thanks, John

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

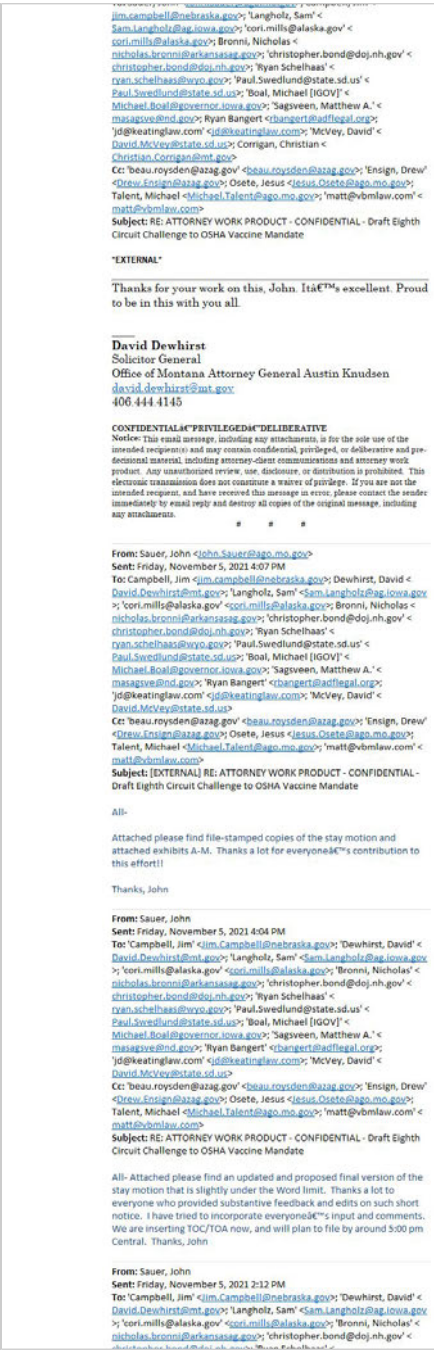
From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Agree. It makes sense.

Cori

Sent from my iPhone

> On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:
>
> This makes a lot of sense to me.
>
> **From:** Sauer, John [mailto:John.Sauer@ago.mo.gov]
> **Sent:** Saturday, November 6, 2021 2:37 PM
> **To:** Mills, Cori M (LAW)
> **Cc:** Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
>
> All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:
>
> Ditto! Great job!
>
> Cori Mills
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:
>
> Amen. Thank you, John, for leading on this.
>
> <logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png>
>
> Ryan Bangert
> Senior Counsel, VP of Legal Strategy
> +1 480 444 0020 (Office)
> 480-444-0028 (Fax)
> rbangert@adflegal.org
>
> ADFlegal.org
>
> **From:** Dewhirst, David <David.Dewhirst@mt.gov>
> **Sent:** Friday, November 5, 2021 7:32 PM
> **To:** Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <

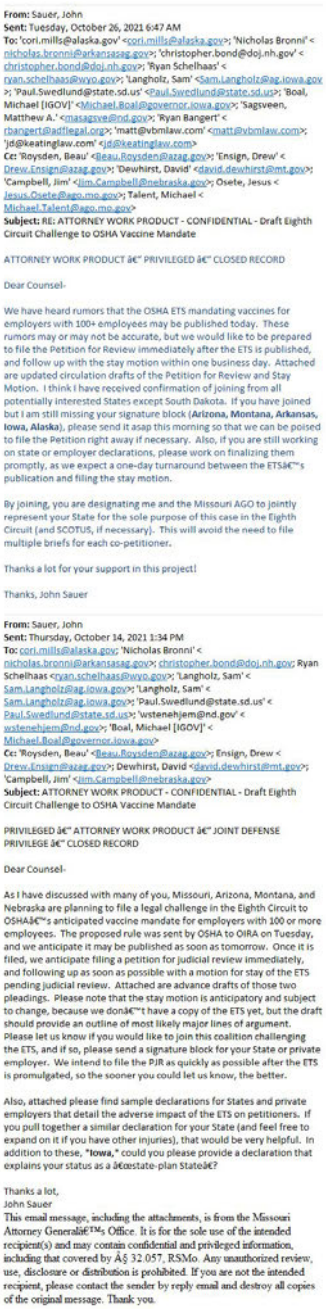
Body	

Body	ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans Introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHA's designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John

Body	**To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Entered these too, thanks! **From:** Campbell, Jim <Jim.Campbell@nebraska.gov> **Sent:** Thursday, November 4, 2021 4:25 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration. **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 3:53 PM **To:** 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks Iâ€™ve entered those changes **From:** Dewhirst, David <David.Dewhirst@mt.gov> **Sent:** Thursday, November 4, 2021 3:46 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline. **David Dewhirst** Solicitor General Office of Montana Attorney General Austin Knudsen david.dewhirst@mt.gov 406.444.4145 **CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE** **Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the

Body	intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. \# \# \# **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 2:00 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 2:26 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looping David McVey of SD into this email chain **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:35 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:03 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion

Body	to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 7:54 AM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€“ Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!! Thanks a lot, John

Body	

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, **"Iowa,"** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer
This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1215

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:33.000 PM

Body	Thanks for sharing. I was trying to get this from somewhere Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Sunday, November 14, 2021 1:42:35 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate FYI **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Friday, November 12, 2021 5:36 PM **To:** 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov> **Cc:** 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday. **From:** Sauer, John **Sent:** Friday, November 12, 2021 2:38 PM **To:** 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov> **Cc:** 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John **From:** Sauer, John **Sent:** Friday, November 12, 2021 11:54 AM **To:** 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov> **Cc:** 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts. Thanks, John **From:** Sauer, John **Sent:** Wednesday, November 10, 2021 1:57 PM **To:** 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov> **Cc:** 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The

Body

Governmentâ€™s response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€“ I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John
P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights,** Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:06 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any comments, and sorry for the short notice. Thanks, John

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Agree. It makes sense.

Cori

Sent from my iPhone

> On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:
>
> This makes a lot of sense to me.
>
> **From:** Sauer, John [mailto:John.Sauer@ago.mo.gov]
> **Sent:** Saturday, November 6, 2021 2:37 PM
> **To:** Mills, Cori M (LAW)
> **Cc:** Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
>
> All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:
>
> Ditto! Great job!
>
> Cori Mills
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:
>
> Amen. Thank you, John, for leading on this.
>
> <logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png>
>
> Ryan Bangert
> Senior Counsel, VP of Legal Strategy
> +1 480 444 0020 (Office)
> 480-444-0028 (Fax)
> rbangert@adflegal.org
>
> ADFlegal.org
>
> **From:** Dewhirst, David <David.Dewhirst@mt.gov>
> **Sent:** Friday, November 5, 2021 7:32 PM
> **To:** Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <

Body

jim.campbell@nebraska.gov>; 'Langholz, Sam' <
Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <
cori.mills@alaska.gov>; Bronni, Nicholas <
nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <
christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <
ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <
Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <
Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <
masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>;
'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <
David.McVey@state.sd.us>; Corrigan, Christian <
Christian.Corrigan@mt.gov>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <
matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL

Thanks for your work on this, John. Itâ€™s excellent. Proud to be in this with you all.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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# # #

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 4:07 PM
To: Campbell, Jim <jim.campbell@nebraska.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

Attached please find file-stamped copies of the stay motion and attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to this effort!!

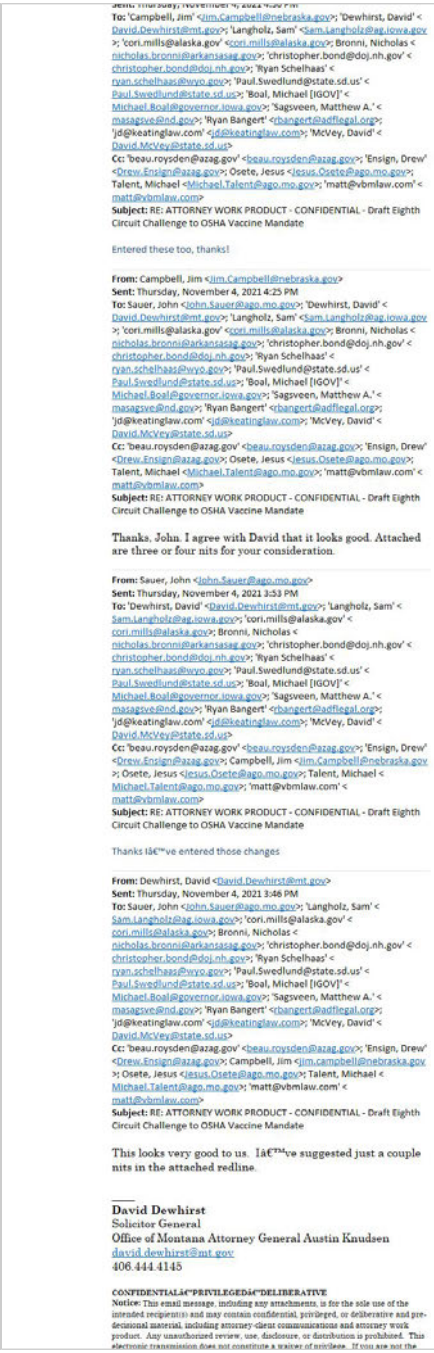
Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 4:04 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached please find an updated and proposed final version of the stay motion that is slightly under the Word limit. Thanks a lot to everyone who provided substantive feedback and edits on such short notice. I have tried to incorporate everyoneâ€™s input and comments. We are inserting TOC/TOA now, and will plan to file by around 5:00 pm Central. Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 2:12 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <

Body	ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans Introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHA's designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John

Body	

To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Entered these too, thanks!

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Thursday, November 4, 2021 4:25 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration.

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 3:53 PM
To: 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks Iâ€™ve entered those changes

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Thursday, November 4, 2021 3:46 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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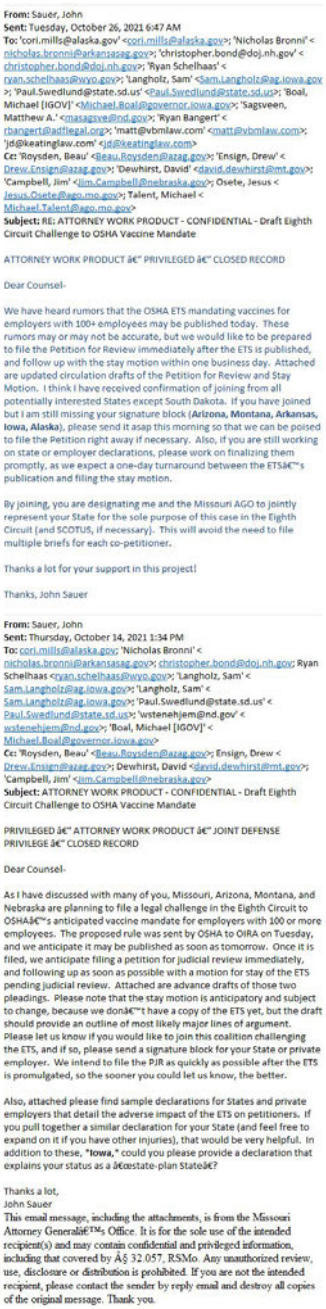
Body	intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. \# \# \# **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 2:00 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 2:26 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looping David McVey of SD into this email chain **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:35 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:03 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion

Body	to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 7:54 AM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€“ Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!! Thanks a lot, John

Body	

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, **"Iowa,"** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer
This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1216

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:53.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 14, 2021 6:33:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks for sharing. I was trying to get this from somewhere
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 14, 2021 1:42:35 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

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From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <

Body

Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The Governmentâ€™s Response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€“ I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights,** Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:06 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <

Body

nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any comments, and sorry for the short notice. Thanks, John

---

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

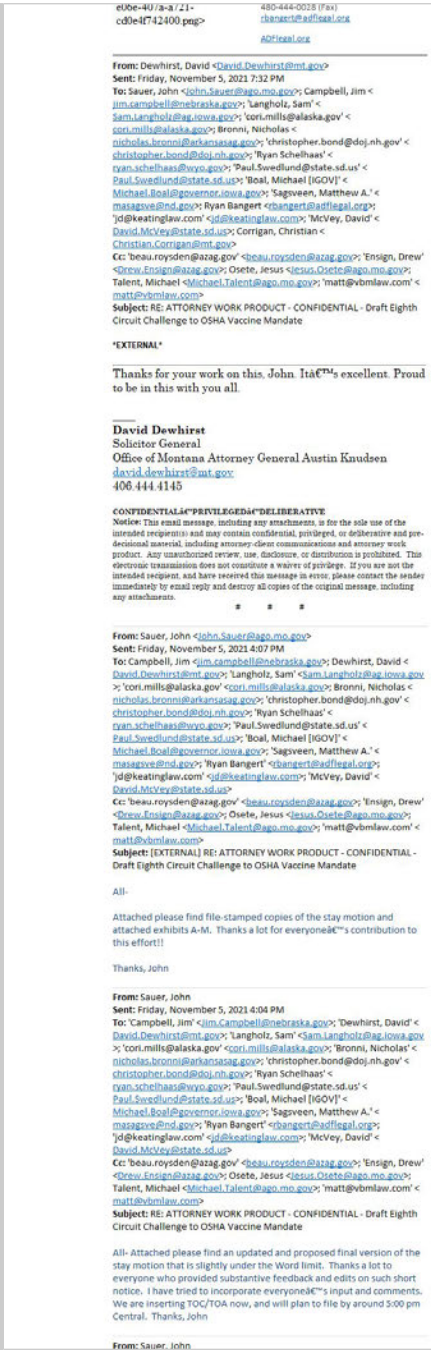
Agree. It makes sense.

Cori

Sent from my iPhone

> On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:
>
> This makes a lot of sense to me.
>
> ---
>
> **From:** Sauer, John [mailto:John.Sauer@ago.mo.gov]
> **Sent:** Saturday, November 6, 2021 2:37 PM
> **To:** Mills, Cori M (LAW)
> **Cc:** Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
>
> All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:
>
> Ditto! Great job!
>
> Cori Mills
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:
>
> Amen. Thank you, John, for leading on this.
>
> ---
>
> <logo_abdfb0ec-
>
> Ryan Bangert
> Senior Counsel, VP of Legal Strategy
> +1 480 444 0020 (Office)

Body



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cd0e4f742400.png>

480-444-0028 (Fax)
rbangert@adflegal.org

ADFlegal.org

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 5, 2021 7:32 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <Jim.campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; Ryan Bangert <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL

Thanks for your work on this, John. Itâ€™s excellent. Proud to be in this with you all.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE
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\# \# \#

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 4:07 PM
To: Campbell, Jim <Jim.campbell@nebraska.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

Attached please find file-stamped copies of the stay motion and attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to this effort!!

Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 4:04 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached please find an updated and proposed final version of the stay motion that is slightly under the Word limit. Thanks a lot to everyone who provided substantive feedback and edits on such short notice. I have tried to incorporate everyoneâ€™s input and comments. We are inserting TOC/TOA now, and will plan to file by around 5:00 pm Central. Thanks, John

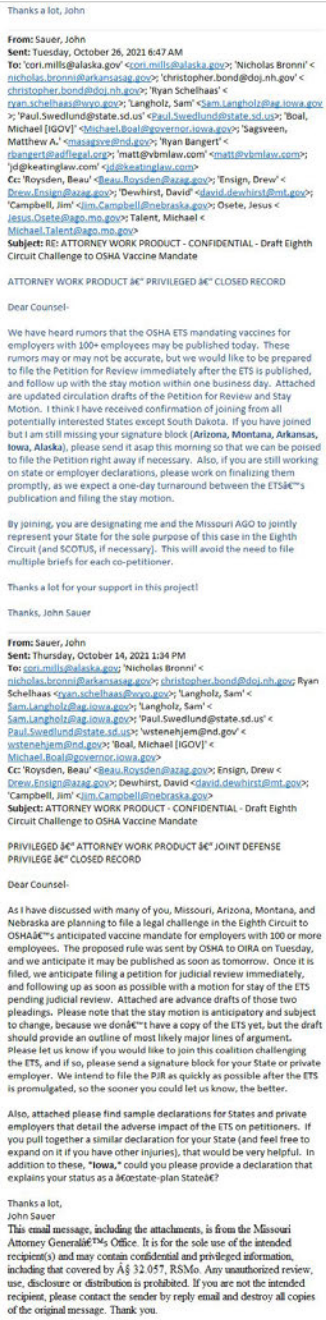
From: Sauer, John

Body	**Sent:** Friday, November 5, 2021 2:12 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHAâ€™s designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We

Body	are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 4:30 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Entered these too, thanks! **From:** Campbell, Jim <Jim.Campbell@nebraska.gov> **Sent:** Thursday, November 4, 2021 4:25 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration. **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 3:53 PM **To:** 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks Iâ€™ve entered those changes **From:** Dewhirst, David <David.Dewhirst@mt.gov> **Sent:** Thursday, November 4, 2021 3:46 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline. **David Dewhirst** Solicitor General Office of Montana Attorney General Austin Knudsen david.dewhirst@mt.gov 406.444.4145 CONFIDENTIALâ€“PRIVILEGEDâ€“DELIBERATIVE Notice: This email message, including any attachments, is for the sole use of the

Body	intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. # # # **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 2:00 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 2:26 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looping David McVey of SD into this email chain **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:35 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:03 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business,

Body	but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 7:54 AM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!!

Body	

Thanks a lot, John

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, **"Iowa,"** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer

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Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:33:53.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 14, 2021 6:33:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks for sharing. I was trying to get this from somewhere
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 14, 2021 1:42:35 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

---

From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <

Body

Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The Governmentâ€™s Response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€“ I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights,** Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:06 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <

Body

nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any comments, and sorry for the short notice. Thanks, John

---

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

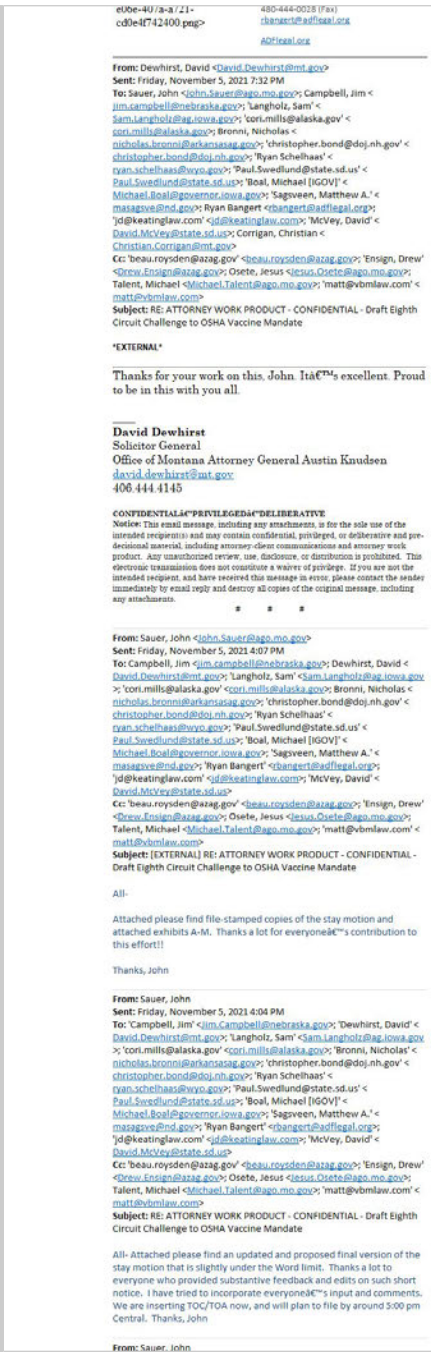
Agree. It makes sense.

Cori

Sent from my iPhone

> On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:
>
> This makes a lot of sense to me.
>
> ---
>
> **From:** Sauer, John [mailto:John.Sauer@ago.mo.gov]
> **Sent:** Saturday, November 6, 2021 2:37 PM
> **To:** Mills, Cori M (LAW)
> **Cc:** Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
>
> All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:
>
> Ditto! Great job!
>
> Cori Mills
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:
>
> Amen. Thank you, John, for leading on this.
>
> ---
>
> <logo_abdfb0ec-
>
> Ryan Bangert
> Senior Counsel, VP of Legal Strategy
> +1 480 444 0020 (Office)

Body



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cd0e4f742400.png>

480-444-0028 (Fax)
rbangert@adflegal.org

ADFlegal.org

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 5, 2021 7:32 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <Jim.campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; Ryan Bangert <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL

Thanks for your work on this, John. Itâ€™s excellent. Proud to be in this with you all.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 4:07 PM
To: Campbell, Jim <Jim.campbell@nebraska.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

Attached please find file-stamped copies of the stay motion and attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to this effort!!

Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 4:04 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached please find an updated and proposed final version of the stay motion that is slightly under the Word limit. Thanks a lot to everyone who provided substantive feedback and edits on such short notice. I have tried to incorporate everyoneâ€™s input and comments. We are inserting TOC/TOA now, and will plan to file by around 5:00 pm Central. Thanks, John

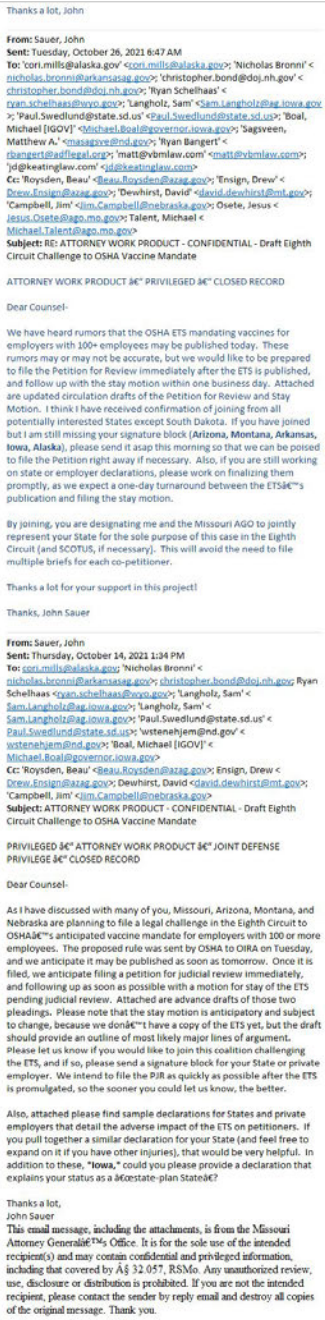
From: Sauer, John

Body	**Sent:** Friday, November 5, 2021 2:12 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHAâ€™s designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We

Body	are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 4:30 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Entered these too, thanks! **From:** Campbell, Jim <Jim.Campbell@nebraska.gov> **Sent:** Thursday, November 4, 2021 4:25 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration. **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 3:53 PM **To:** 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks Iâ€™ve entered those changes **From:** Dewhirst, David <David.Dewhirst@mt.gov> **Sent:** Thursday, November 4, 2021 3:46 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline. **David Dewhirst** Solicitor General Office of Montana Attorney General Austin Knudsen david.dewhirst@mt.gov 406.444.4145 CONFIDENTIALâ€“PRIVILEGEDâ€“DELIBERATIVE Notice: This email message, including any attachments, is for the sole use of the

Body	intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. # # # **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 2:00 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 2:26 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looping David McVey of SD into this email chain **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:35 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:03 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business,

Body	but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 7:54 AM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!!

Body	

Thanks a lot, John

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, **"Iowa,"** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer

This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1218

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:35:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:35:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:35:19.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 14, 2021 6:33:53 PM
To: Beth Bakke Stenehjem <bethbakke@aol.com>
Subject: Fwd: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 14, 2021 6:33:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks for sharing. I was trying to get this from somewhere
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 14, 2021 1:42:35 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

Body

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The Governmentâ€™s Response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€" I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John
P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights,** Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

Body

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:06 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any comments, and sorry for the short notice. Thanks, John

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Agree. It makes sense.

Cori

Sent from my iPhone

> On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:
>
> This makes a lot of sense to me.
>
> **From:** Sauer, John [mailto:John.Sauer@ago.mo.gov]
> **Sent:** Saturday, November 6, 2021 2:37 PM
> **To:** Mills, Cori M (LAW)
> **Cc:** Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
>
> All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:
>
> Ditto! Great job!
>
> Cori Mills
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:

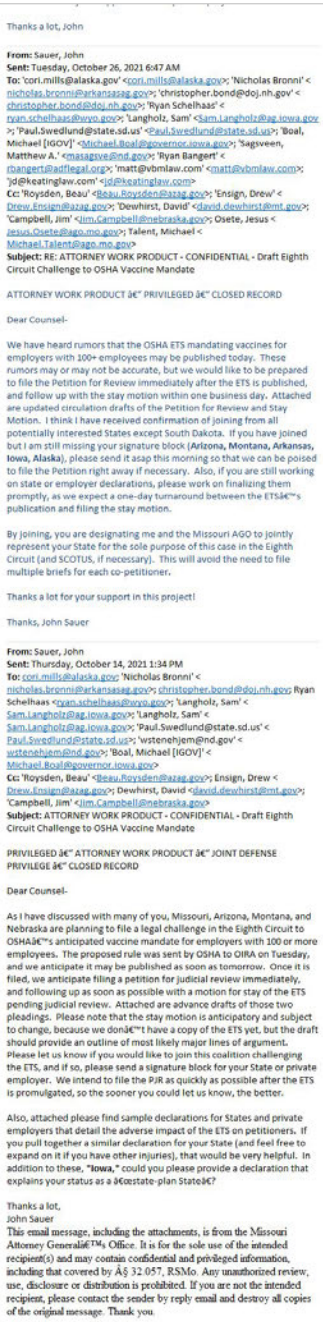
Body	Amen. Thank you, John, for leading on this. <logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png> Ryan Bangert Senior Counsel, VP of Legal Strategy +1 480 444 0020 (Office) 480-444-0028 (Fax) rbangert@adflegal.org ADFlegal.org **From:** Dewhirst, David <David.Dewhirst@mt.gov> **Sent:** Friday, November 5, 2021 7:32 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; Ryan Bangert <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate *EXTERNAL* Thanks for your work on this, John. Itâ€™s excellent. Proud to be in this with you all. **David Dewhirst** **Solicitor General** **Office of Montana Attorney General Austin Knudsen** david.dewhirst@mt.gov 406.444.4145 **CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE** **Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. # # # **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Friday, November 5, 2021 4:07 PM **To:** Campbell, Jim <jim.campbell@nebraska.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached please find file-stamped copies of the stay motion and attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to this effort!! Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 4:04 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached please find an updated and proposed final version of the stay motion that is slightly under the Word limit. Thanks a lot to

Body	everyone who provided substantive feedback and edits on such short notice. I have tried to incorporate everyoneâ€™s input and comments. We are inserting TOC/TOA now, and will plan to file by around 5:00 pm Central. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 2:12 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans Introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHAâ€™s designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body	All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 4:30 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Entered these too, thanks! **From:** Campbell, Jim <Jim.Campbell@nebraska.gov> **Sent:** Thursday, November 4, 2021 4:25 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration. **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 3:53 PM **To:** 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks Iâ€™ve entered those changes **From:** Dewhirst, David <David.Dewhirst@mt.gov> **Sent:** Thursday, November 4, 2021 3:46 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline. ____ **David Dewhirst** Solicitor General Office of Montana Attorney General Austin Knudsen david.dewhirst@mt.gov

Body	406.444.4145 **CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE** **Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. \# \# \# **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 2:00 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 2:26 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looping David McVey of SD into this email chain **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:35 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:03 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body	All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 7:54 AM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!!

Body	

Thanks a lot, John

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, **"Iowa,"** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer

This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1219

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:35:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:35:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:35:19.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 14, 2021 6:33:53 PM
To: Beth Bakke Stenehjem <bethbakke@aol.com>
Subject: Fwd: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 14, 2021 6:33:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks for sharing. I was trying to get this from somewhere
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 14, 2021 1:42:35 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

Body

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The Governmentâ€™s Response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€" I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John
P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights,** Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

Body

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:06 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any comments, and sorry for the short notice. Thanks, John

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Agree. It makes sense.

Cori

Sent from my iPhone

> On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:
>
> This makes a lot of sense to me.
>
> **From:** Sauer, John [mailto:John.Sauer@ago.mo.gov]
> **Sent:** Saturday, November 6, 2021 2:37 PM
> **To:** Mills, Cori M (LAW)
> **Cc:** Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
>
> All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:
>
> Ditto! Great job!
>
> Cori Mills
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:

Body	

Amen. Thank you, John, for leading on this.

<logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png>

Ryan Bangert
Senior Counsel, VP of Legal Strategy
+1 480 444 0020 (Office)
480-444-0028 (Fax)
rbangert@adflegal.org

ADFlegal.org

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 5, 2021 7:32 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <Jim.campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; Ryan Bangert <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL

Thanks for your work on this, John. Itâ€™s excellent. Proud to be in this with you all.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 4:07 PM
To: Campbell, Jim <Jim.campbell@nebraska.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

Attached please find file-stamped copies of the stay motion and attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to this effort!!

Thanks, John

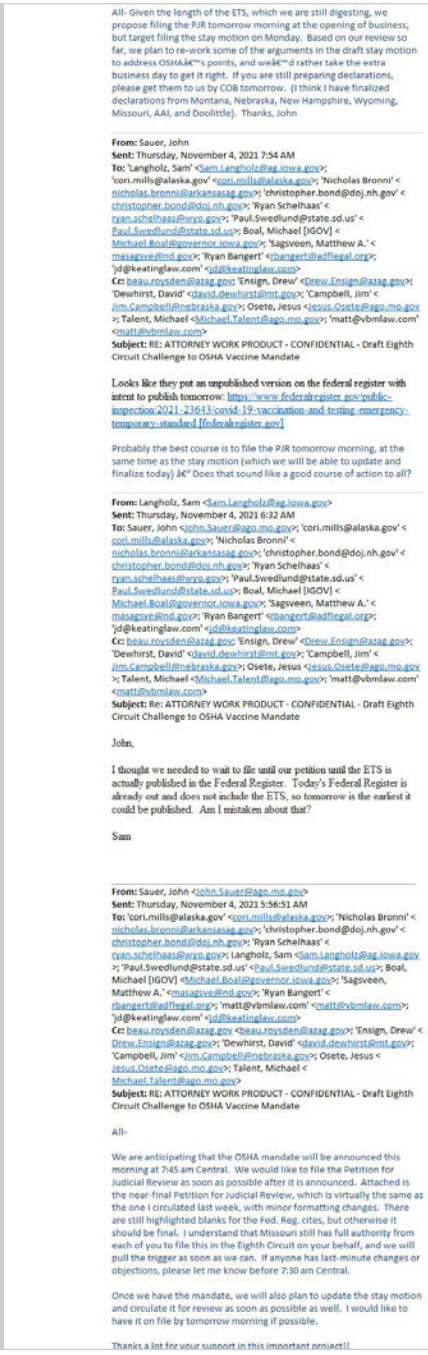
From: Sauer, John
Sent: Friday, November 5, 2021 4:04 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached please find an updated and proposed final version of the stay motion that is slightly under the Word limit. Thanks a lot to

Body	everyone who provided substantive feedback and edits on such short notice. I have tried to incorporate everyoneâ€™s input and comments. We are inserting TOC/TOA now, and will plan to file by around 5:00 pm Central. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 2:12 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans Introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHAâ€™s designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body	All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 4:30 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Entered these too, thanks! **From:** Campbell, Jim <Jim.Campbell@nebraska.gov> **Sent:** Thursday, November 4, 2021 4:25 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration. **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 3:53 PM **To:** 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Thanks Iâ€™ve entered those changes **From:** Dewhirst, David <David.Dewhirst@mt.gov> **Sent:** Thursday, November 4, 2021 3:46 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline. ____ **David Dewhirst** Solicitor General Office of Montana Attorney General Austin Knudsen david.dewhirst@mt.gov

Body	406.444.4145 **CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE** **Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. \# \# \# **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 2:00 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 2:26 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looping David McVey of SD into this email chain **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:35 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 1:03 PM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body	

All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 7:54 AM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov]

Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all?

From: Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Sent: Thursday, November 4, 2021 6:32 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

John,

I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that?

Sam

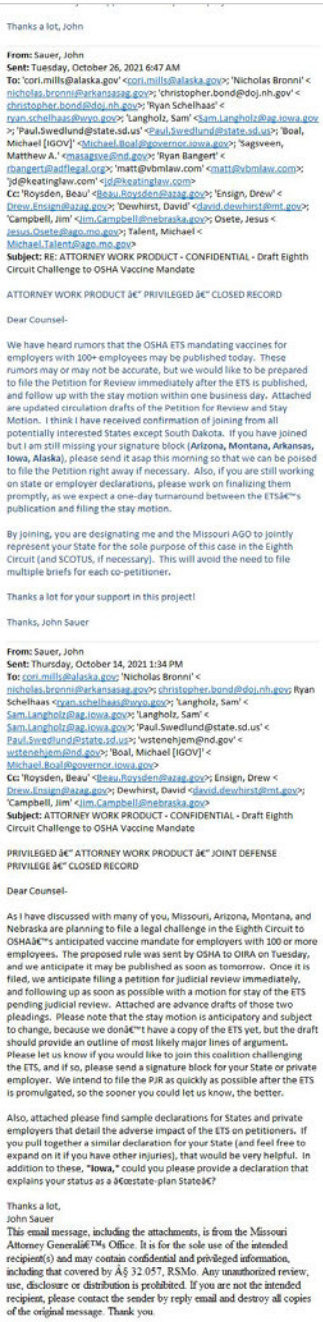
From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 5:56:51 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central.

Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible.

Thanks a lot for your support in this important project!!

Body	

Thanks a lot, John

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, **"Iowa,"** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer

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Record 1220

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:36:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:36:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:36:00.000 PM

Body

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 14, 2021 1:43 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The Governmentâ€™s Response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Body

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€" I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John
P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights**, Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:56 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any

Body

comments, and sorry for the short notice. Thanks, John

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@ybmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@ybmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Agree. It makes sense.

Cori

Sent from my iPhone

On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:

This makes a lot of sense to me.

From: Sauer, John [mailto:John.Sauer@ago.mo.gov]
Sent: Saturday, November 6, 2021 2:37 PM
To: Mills, Cori M (LAW)
Cc: Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@ybmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John

Sent from my iPhone

On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:

Ditto! Great job!

Cori Mills

Sent from my iPhone

On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:

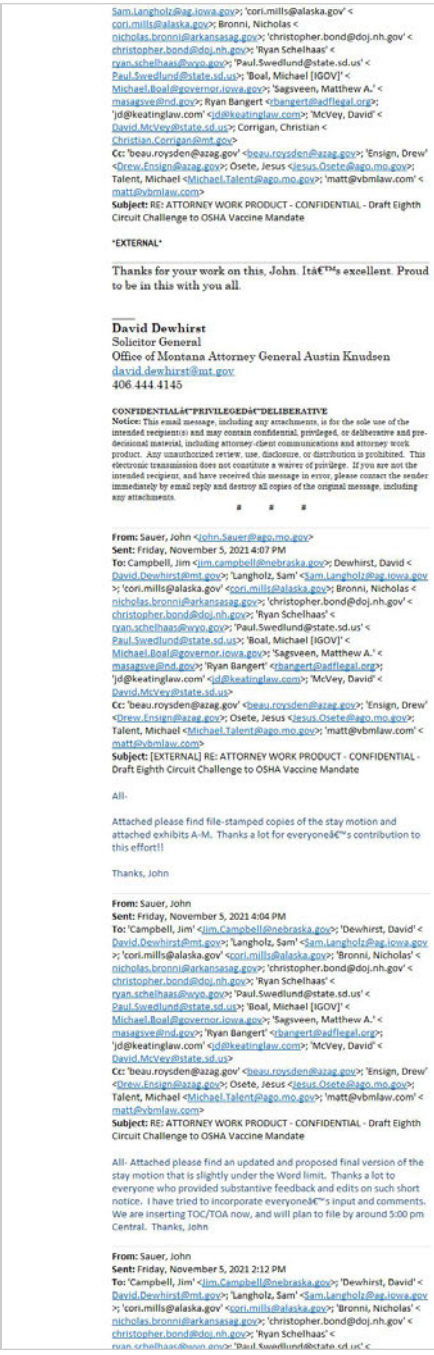
Amen. Thank you, John, for leading on this.

<logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png>

Ryan Bangert
Senior Counsel, VP of Legal Strategy
+1 480 444 0020 (Office)
480-444-0028 (Fax)
rbangert@adflegal.org

ADFlegal.org

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 5, 2021 7:32 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; 'Langholz, Sam' <

Body	

Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <
cori.mills@alaska.gov>; Bronni, Nicholas <
nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <
christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <
ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <
Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <
Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <
masagsve@nd.gov>; Ryan Bangert <rbangert@adflegal.org>;
'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <
David.McVey@state.sd.us>; Corrigan, Christian <
Christian.Corrigan@mt.gov>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew'
<Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>;
Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <
matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth
Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL

Thanks for your work on this, John. Itâ€™s excellent. Proud
to be in this with you all.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 4:07 PM
To: Campbell, Jim <jim.campbell@nebraska.gov>; Dewhirst, David <
David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov
>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <
nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <
christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <
ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <
Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <
Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <
masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>;
'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <
David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew'
<Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>;
Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <
matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL -
Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

Attached please find file-stamped copies of the stay motion and
attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to
this effort!!

Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 4:04 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <
David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov
>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <
nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <
christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <
ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <
Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <
Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <
masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>;
'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <
David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew'
<Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>;
Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <
matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth
Circuit Challenge to OSHA Vaccine Mandate

All- Attached please find an updated and proposed final version of the
stay motion that is slightly under the Word limit. Thanks a lot to
everyone who provided substantive feedback and edits on such short
notice. I have tried to incorporate everyoneâ€™s input and comments.
We are inserting TOC/TOA now, and will plan to file by around 5:00 pm
Central. Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 2:12 PM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <
David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov
>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <
nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <
christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <
ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <

Body	

Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Please find attached an updated draft of the stay motion that is close to the word limit (sans Introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John

From: Sauer, John
Sent: Friday, November 5, 2021 10:44 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John

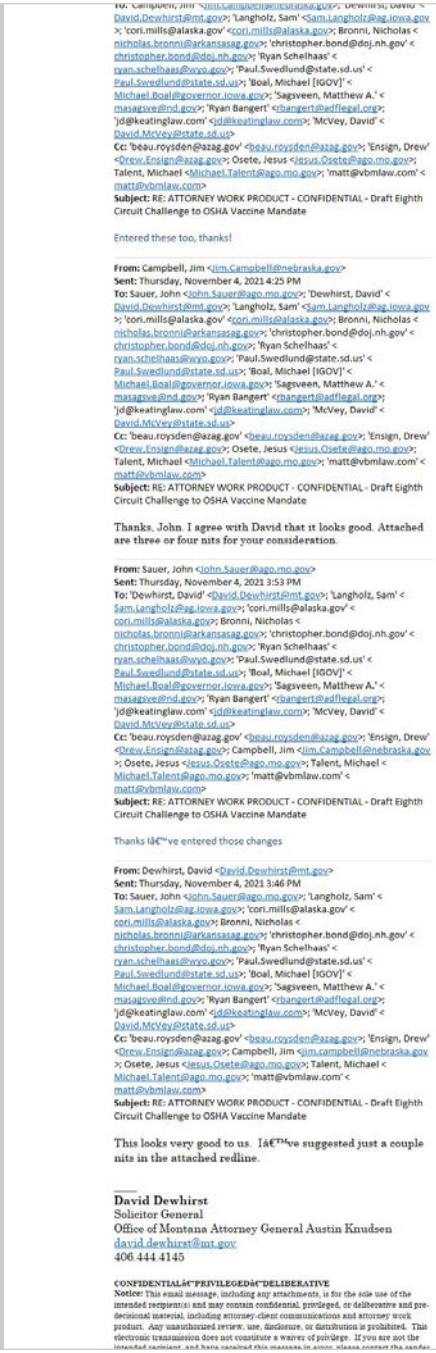
From: Sauer, John
Sent: Friday, November 5, 2021 9:17 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

By way of update, attached is the email we sent this morning to OSHA's designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 6:36 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 4:30 PM

Body	

Body

immediately by email reply and destroy all copies of the original message, including any attachments.

# # #

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 2:00 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 2:26 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looping David McVey of SD into this email chain

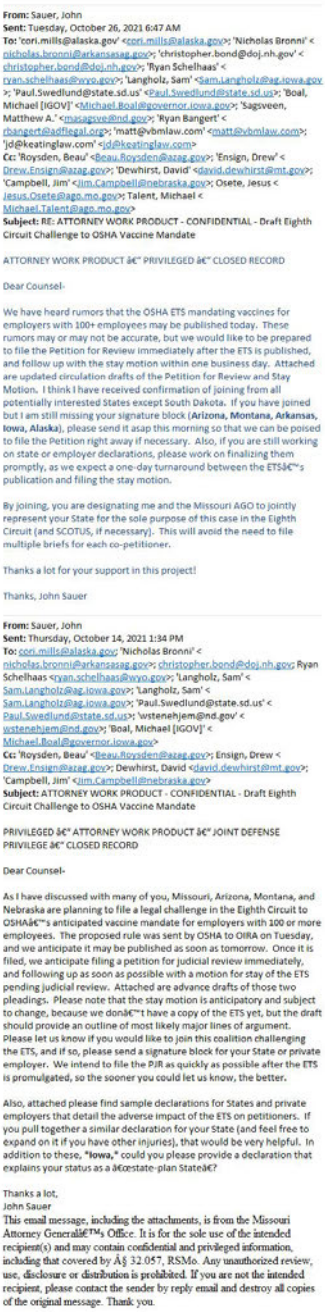
From: Sauer, John
Sent: Thursday, November 4, 2021 1:35 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 1:03 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra

Body	business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 7:54 AM **To:** 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central. Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible. Thanks a lot for your support in this important project!! Thanks a lot, John

Body	
Attachments	16089.pdf

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, ***Iowa,*** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer
This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1221

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:36:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:36:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/14/2021 6:36:00.000 PM

Body

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 14, 2021 1:43 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The Governmentâ€™s Response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Body

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks to all â€" I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights**, Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:56 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any

Body

comments, and sorry for the short notice. Thanks, John

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@ybmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@ybmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Agree. It makes sense.

Cori

Sent from my iPhone

On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:

This makes a lot of sense to me.

From: Sauer, John [mailto:John.Sauer@ago.mo.gov]
Sent: Saturday, November 6, 2021 2:37 PM
To: Mills, Cori M (LAW)
Cc: Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@ybmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundationâ€™s stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John

Sent from my iPhone

On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:

Ditto! Great job!

Cori Mills

Sent from my iPhone

On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:

Amen. Thank you, John, for leading on this.

<logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png>

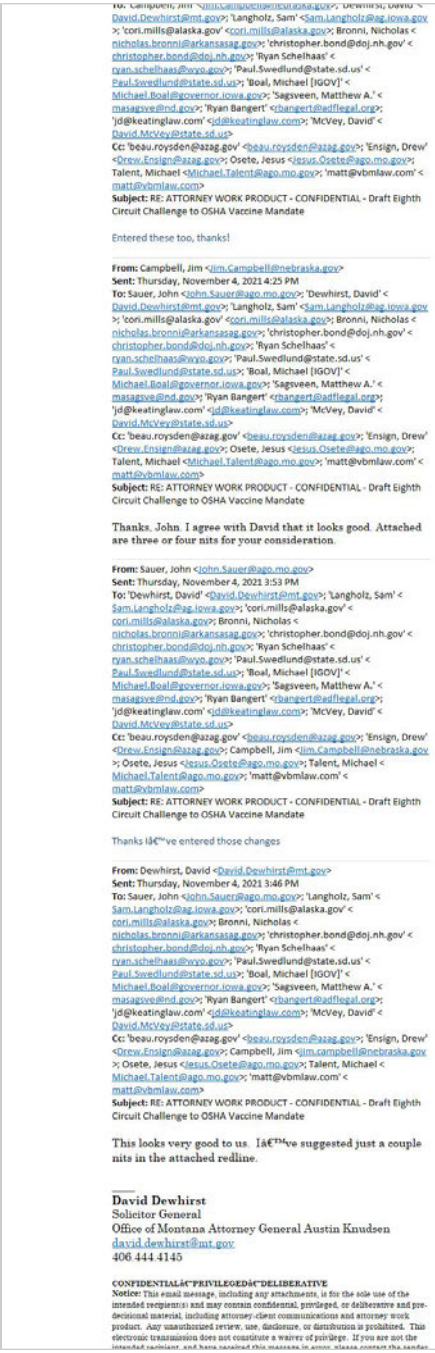
Ryan Bangert
Senior Counsel, VP of Legal Strategy
+1 480 444 0020 (Office)
480-444-0028 (Fax)
rbangert@adflegal.org

ADFlegal.org

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 5, 2021 7:32 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; 'Langholz, Sam' <

Body	Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; Ryan Bangert <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate *EXTERNAL* Thanks for your work on this, John. Itâ€™s excellent. Proud to be in this with you all. **David Dewhirst** Solicitor General Office of Montana Attorney General Austin Knudsen david.dewhirst@mt.gov 406.444.4145 CONFIDENTIALâ€“PRIVILEGEDâ€“DELIBERATIVE **Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, privileged, or deliberative and pre-decisional material, including attorney-client communications and attorney work product. Any unauthorized review, use, disclosure, or distribution is prohibited. This electronic transmission does not constitute a waiver of privilege. If you are not the intended recipient, and have received this message in error, please contact the sender immediately by email reply and destroy all copies of the original message, including any attachments. # # # **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Friday, November 5, 2021 4:07 PM **To:** Campbell, Jim <jim.campbell@nebraska.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached please find file-stamped copies of the stay motion and attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to this effort!! Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 4:04 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached please find an updated and proposed final version of the stay motion that is slightly under the Word limit. Thanks a lot to everyone who provided substantive feedback and edits on such short notice. I have tried to incorporate everyoneâ€™s input and comments. We are inserting TOC/TOA now, and will plan to file by around 5:00 pm Central. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 2:12 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <

Body	Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans Introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHA's designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 4:30 PM

Body	

Body

immediately by email reply and destroy all copies of the original message, including any attachments.

# # #

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 2:00 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 2:26 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looping David McVey of SD into this email chain

From: Sauer, John
Sent: Thursday, November 4, 2021 1:35 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 1:03 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra

Body	

business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 7:54 AM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov]

Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all?

From: Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Sent: Thursday, November 4, 2021 6:32 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

John,

I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that?

Sam

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 5:56:51 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

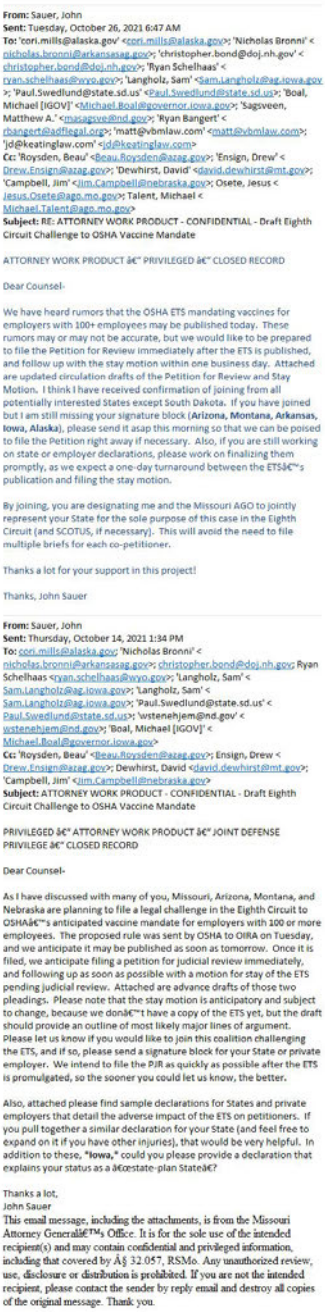
All-

We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central.

Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible.

Thanks a lot for your support in this important project!!

Thanks a lot, John

Body	
Attachments	12739.pdf

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner.

Thanks a lot for your support in this project!

Thanks, John Sauer

From: Sauer, John
Sent: Thursday, October 14, 2021 1:34 PM
To: cori.mills@alaska.gov; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>
Subject: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD

Dear Counsel-

As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better.

Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, ***Iowa,*** could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€?

Thanks a lot,
John Sauer

This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1222

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov, mkelsch@nd.gov
Subject	RE: Appreciation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:32:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:32:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:32:00.000 AM

Body	Alice, What a nice tribute! Thanks for taking the time to write it! Wayne **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 15, 2021 8:06 AM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov> **Subject:** Appreciation I wanted to take the time to let you know how much I have come to appreciate Liz Brocker, especially over the past month. The skills, organization, and work ethic Liz has exhibited since the retirement of our two long-term administrative assistants (whose jobs have now been split into three different positions) have served to allow this office to continue operating fairly smoothly while being completely understaffed and without personnel knowledgeable in the required tasks for any of the positions. As you know, we are "in flux" with the administrative staff for not only State & Local Division, but also the Criminal & Regulatory Division as well as the Human Resources division. Two of the three positions are still vacant and the one position that has been hired is being trained. All three of these administrative positions have a very steep learning curve in order to effectively, accurately, and efficiently do the jobs assigned to them, as we found out by the loss of not one but two new administrative staff who left shortly after being hired. Throughout this time, Liz has not only stepped in to write painstakingly detailed instructions on how to do the tasks that need completing, making sure they are kept in a place central to all affected personnel, and clear enough for anyone to be able to complete the tasks, but she has done the vast majority of the training for the State & Local position that is already hired. It is very likely that she will also handle the training for the administrative assistant position hired for the Criminal & Regulatory Division as well. Liz has done this while handling all the administrative work for the Criminal & Regulatory Division, training me to handle the Crim & Reg work while she is gone, answering the numerous questions and continued training requirements for State & Local, as well as handling her own job duties! Lastly, Liz has also written detailed instructions and been training me to cover her job duties while she is out of the office, including the processes required for Attorney General Opinions and News Releases. Properly handling these are no small task in that you must follow specific formatting to prepare the finals, publish them to our website, and disseminate that information in the proper forms to media, staff and whomever else is necessary for Attorney General Opinions and News Releases. I don't know of many other individuals who could take on all that Liz has been, and still is, doing with the poise and grace she has exhibited. *Alice M. Johnson, ACP* *Advance Certified Paralegal* *Office of Attorney General* *600 E. Boulevard Ave., Dept 125* *Bismarck, ND 58505-0040* *(701) 328-2211*
CC	tseibel@nd.gov, aeisenbeis@nd.gov
Attachments	image003[12332].gif, image004[12333].png

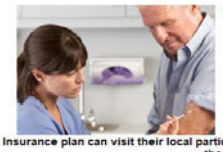
Record 1223

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov, mkelsch@nd.gov
Subject	RE: Appreciation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:32:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:32:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:32:00.000 AM

Body	Alice, What a nice tribute! Thanks for taking the time to write it! Wayne **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 15, 2021 8:06 AM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov> **Subject:** Appreciation I wanted to take the time to let you know how much I have come to appreciate Liz Brocker, especially over the past month. The skills, organization, and work ethic Liz has exhibited since the retirement of our two long-term administrative assistants (whose jobs have now been split into three different positions) have served to allow this office to continue operating fairly smoothly while being completely understaffed and without personnel knowledgeable in the required tasks for any of the positions. As you know, we are "in flux" with the administrative staff for not only State & Local Division, but also the Criminal & Regulatory Division as well as the Human Resources division. Two of the three positions are still vacant and the one position that has been hired is being trained. All three of these administrative positions have a very steep learning curve in order to effectively, accurately, and efficiently do the jobs assigned to them, as we found out by the loss of not one but two new administrative staff who left shortly after being hired. Throughout this time, Liz has not only stepped in to write painstakingly detailed instructions on how to do the tasks that need completing, making sure they are kept in a place central to all affected personnel, and clear enough for anyone to be able to complete the tasks, but she has done the vast majority of the training for the State & Local position that is already hired. It is very likely that she will also handle the training for the administrative assistant position hired for the Criminal & Regulatory Division as well. Liz has done this while handling all the administrative work for the Criminal & Regulatory Division, training me to handle the Crim & Reg work while she is gone, answering the numerous questions and continued training requirements for State & Local, as well as handling her own job duties! Lastly, Liz has also written detailed instructions and been training me to cover her job duties while she is out of the office, including the processes required for Attorney General Opinions and News Releases. Properly handling these are no small task in that you must follow specific formatting to prepare the finals, publish them to our website, and disseminate that information in the proper forms to media, staff and whomever else is necessary for Attorney General Opinions and News Releases. I don't know of many other individuals who could take on all that Liz has been, and still is, doing with the poise and grace she has exhibited. *Alice M. Johnson, ACP* *Advance Certified Paralegal* *Office of Attorney General* *600 E. Boulevard Ave., Dept 125* *Bismarck, ND 58505-0040* *(701) 328-2211*
CC	tseibel@nd.gov, aeisenbeis@nd.gov
Attachments	image003[8766].gif, image004[8767].png

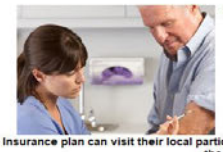
Record 1224

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Last NDPERS flu shot clinic - November 17
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:02:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:02:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:02:00.000 PM

Body	We're all signed up!! **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, November 15, 2021 11:40 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Last NDPERS flu shot clinic - November 17  **All NDPERS members enrolled in the Sanford Health Insurance plan can visit their local participating pharmacies or walk-in clinics to get access to the flu shot vaccine.** **Ask how your claim will be processed** To understand how your claim will be filed, ask the provider before you agree to any services. Sanford Health Plan regularly pays 100% of the allowable for the flu shot and its administration unless you agree to additional services with the provider. **Flu Shot Clinic in Bismarck - November 17 (4 to 6 pm)** Register to receive your flu shot on November 17 from 4 to 6 pm (CT) at the UND Center for Family Medicine located at 701 E Rosser Ave, Bismarck. This event is for employees, retirees, and their eligible family members enrolled in the NDPERS – Sanford Health Insurance plan. To reserve your spot, click on the registration link and choose your preferred time. **Click here to register** **Questions?** Call the UND Center for Family Medicine at 701.751.6802 to assist you with your online registration or any other questions you may have about the flu vaccine and special processes to follow on the day of your appointment. To cancel your appointment, you can call the number above or email bcfmappts@und.edu. **On the day of your appointment, remember:** 1. **Face masks are mandatory.** 2. Members must register online to reserve a spot to receive a flu shot. **Walk-ins will not be accommodated.** 3. Register as a family, not as individuals. **If you need assistance, call the UND Center for Family Medicine at 701.751.6802 to complete your registration.** 4. Wait outside the building until your reserved registration time if you schedule an appointment at the UND Center for Family Medicine. Please do not come to the door until it is your exact registration time. You may be asked to wait in line outside the building. The clinic will do its best to keep wait times to a minimum. 5. The entrance to the UND Center for Family Medicine is now on the south side of the clinic, off of Thayer St. The parking lot on the south side of the building can be utilized, as well as the parking on the east side of the building. This email was sent to aeisenbeis@nd.gov using GovDelivery Communications Cloud, on behalf of: North Dakota Public Employees Retirement System Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email:** aeisenbeis@nd.gov **Phone: 701-328-1256**

Record 1225

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Last NDPERS flu shot clinic - November 17
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:02:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:02:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:02:00.000 PM

Body	We're all signed up!! **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, November 15, 2021 11:40 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Last NDPERS flu shot clinic - November 17  **All NDPERS members enrolled in the Sanford Health Insurance plan can visit their local participating pharmacies or walk-in clinics to get access to the flu shot vaccine.** **Ask how your claim will be processed** To understand how your claim will be filed, ask the provider before you agree to any services. Sanford Health Plan regularly pays 100% of the allowable for the flu shot and its administration unless you agree to additional services with the provider. **Flu Shot Clinic in Bismarck - November 17 (4 to 6 pm)** Register to receive your flu shot on November 17 from 4 to 6 pm (CT) at the UND Center for Family Medicine located at 701 E Rosser Ave, Bismarck. This event is for employees, retirees, and their eligible family members enrolled in the NDPERS – Sanford Health Insurance plan. To reserve your spot, click on the registration link and choose your preferred time. **Click here to register** **Questions?** Call the UND Center for Family Medicine at 701.751.6802 to assist you with your online registration or any other questions you may have about the flu vaccine and special processes to follow on the day of your appointment. To cancel your appointment, you can call the number above or email bcfmappts@und.edu. **On the day of your appointment, remember:** 1. **Face masks are mandatory.** 2. Members must register online to reserve a spot to receive a flu shot. **Walk-ins will not be accommodated.** 3. Register as a family, not as individuals. **If you need assistance, call the UND Center for Family Medicine at 701.751.6802 to complete your registration.** 4. Wait outside the building until your reserved registration time if you schedule an appointment at the UND Center for Family Medicine. Please do not come to the door until it is your exact registration time. You may be asked to wait in line outside the building. The clinic will do its best to keep wait times to a minimum. 5. The entrance to the UND Center for Family Medicine is now on the south side of the clinic, off of Thayer St. The parking lot on the south side of the building can be utilized, as well as the parking on the east side of the building. This email was sent to aeisenbeis@nd.gov using GovDelivery Communications Cloud, on behalf of: North Dakota Public Employees Retirement System Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email:** aeisenbeis@nd.gov **Phone: 701-328-1256**

Record 1226

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Pictures
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:54:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:54:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:54:00.000 PM

Body	**From:** wstenehjem@aol.com <wstenehjem@aol.com> **Sent:** Monday, November 15, 2021 2:01 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Pictures ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** -----Original Message----- From: BARRY BRANVOLD <undbkb@aol.com> To: cathy williams <cathyjowilliams@hotmail.com> CC: mdelmore <mdelmore@gra.midco.net>; wstenehjem <wstenehjem@aol.com>; Andrew Stenehjem <astenehjem@hotmail.com>; hartsough3 <hartsough3@gra.midco.net>; Tom Brusegaard <gilbyguy@gmail.com>; btraub <btraub@hotmail.com>; bonesmoe <bonesmoe@hotmail.com>; wastolt <wastolt@gmail.com>; david haberman <davidhaberman@hotmail.com>; stoltty <stoltty@tulsaschools.org>; timmoe <timmoe@isd593.org>; genstolt80 <genstolt80@gmail.com>; Lois Delmore <lois.delmore@gmail.com> Sent: Sat, 13 Nov 2021 19:48 Subject: Pictures
Attachments	7318B988-6A40-4404-B1D6-BDCCE811271A[12340].jpeg, image001[12341].jpg

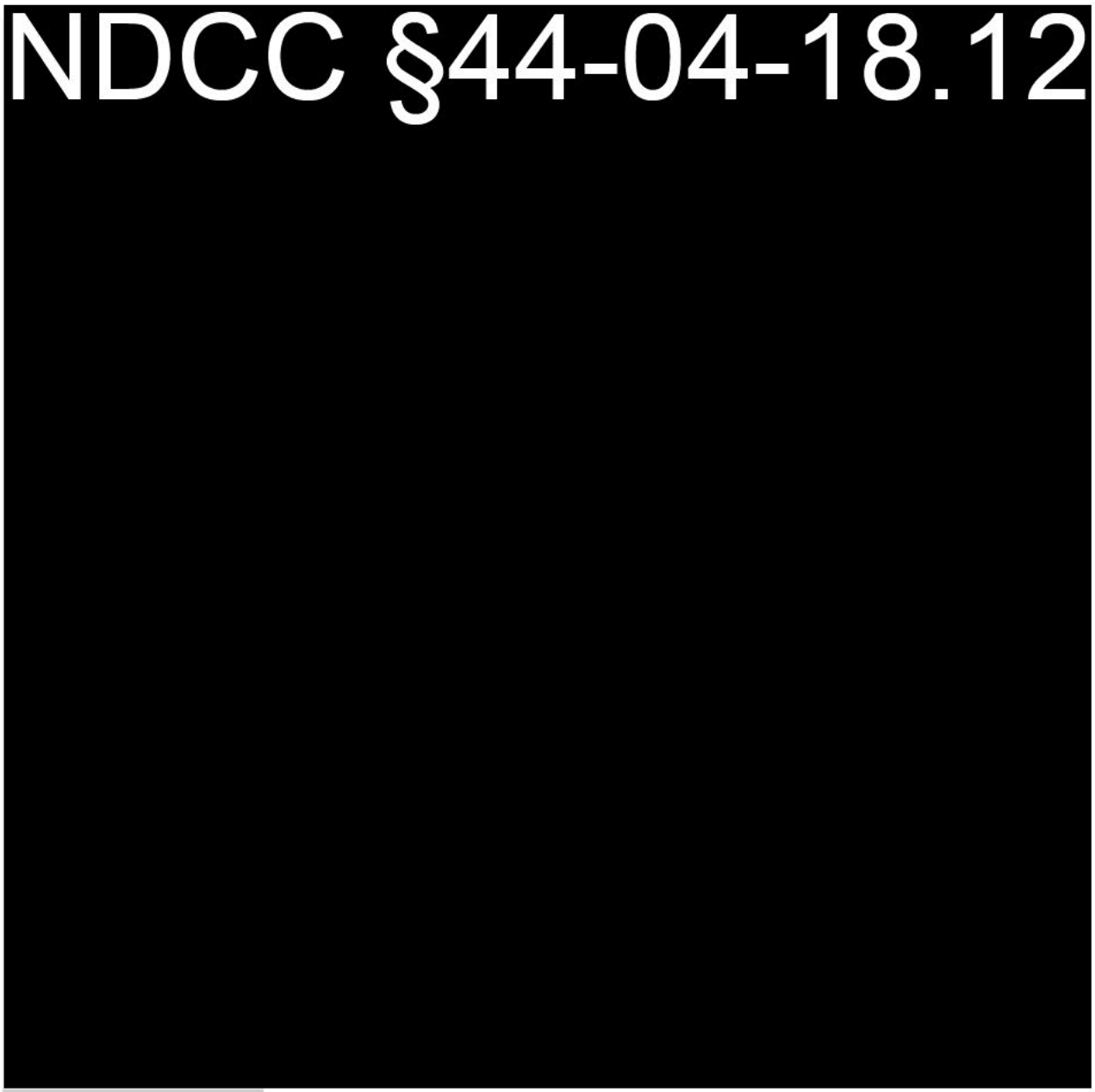
Record 1227

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Pictures
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:54:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:54:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 2:54:00.000 PM
Body	**From:** wstenehjem@aol.com <wstenehjem@aol.com> **Sent:** Monday, November 15, 2021 2:01 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Pictures ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** -----Original Message----- From: BARRY BRANVOLD <undbkb@aol.com> To: cathy williams <cathyjowilliams@hotmail.com> CC: mdelmore <mdelmore@gra.midco.net>; wstenehjem <wstenehjem@aol.com>; Andrew Stenehjem <astenehjem@hotmail.com>; hartsough3 <hartsough3@gra.midco.net>; Tom Brusegaard <gilbyguy@gmail.com>; btraub <btraub@hotmail.com>; bonesmoe <bonesmoe@hotmail.com>; wastolt <wastolt@gmail.com>; david haberman <davidhaberman@hotmail.com>; stoltty <stoltty@tulsaschools.org>; timmoe <timmoe@isd593.org>; genstolt80 <genstolt80@gmail.com>; Lois Delmore <lois.delmore@gmail.com> Sent: Sat, 13 Nov 2021 19:48 Subject: Pictures
Attachments	7318B988-6A40-4404-B1D6-BDCCE811271A[8764].jpeg, image001[8765].jpg

Record 1228

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL

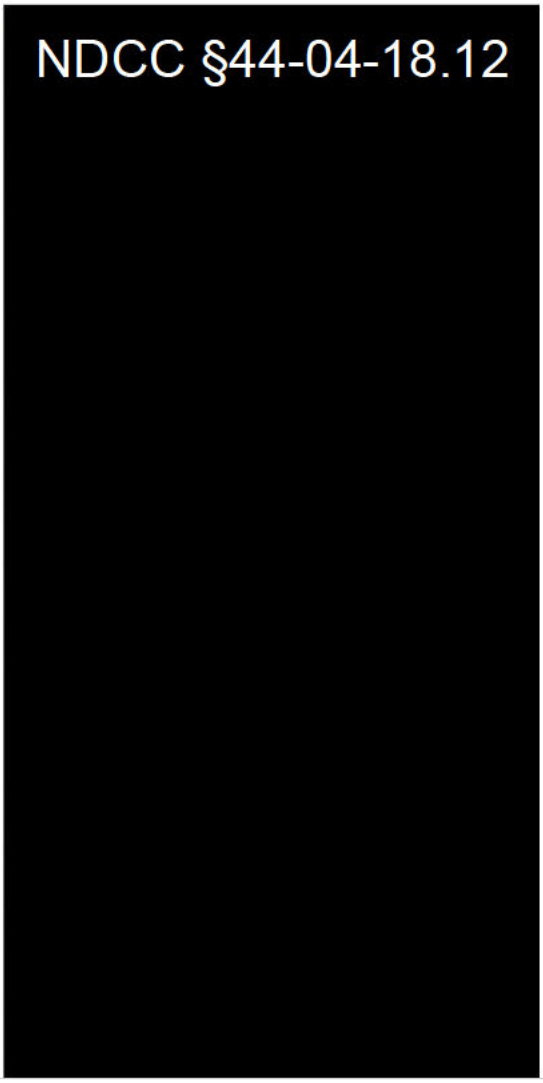
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:48:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:48:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:48:04.000 PM
Body	Ok, thank you. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Monday, November 15, 2021 5:31:21 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL I am uncertain of the necessity of a Press Release at this juncture and I defer to you. However, if later asked about the media we would confirm our participation in the investigation. *Parrell* NDCC §44-04-18.12



CC	lbrocker@nd.gov

Record 1229

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:48:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:48:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:48:04.000 PM

Body	Ok, thank you. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossmar@nd.gov> **Sent:** Monday, November 15, 2021 5:31:21 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL I am uncertain of the necessity of a Press Release at this juncture and I defer to you. However, if later asked about the media we would confirm our participation in the investigation. *Parrell* 

Body	NDCC §44-04-18.12 [redacted]
CC	lbrocker@nd.gov

Record 1230

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: Meta
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:53:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:53:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:53:00.000 PM

Body	Parrell, You sent me an email regarding the Facebook matter, and I can't seem to find it. Would you send it again, please? Wayne **From:** Grossman,

Record 1231

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: Meta
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:53:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:53:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/15/2021 8:53:00.000 PM
Body	Parrell, You sent me an email regarding the Facebook matter, and I can't seem to find it. Would you send it again, please? Wayne **From:** Grossman,

Record 1232

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kschirado@nd.gov
Subject	RE: Special November Land Board Meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:13:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:13:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:13:00.000 AM
Body	I am not available Nov. 22 or 23. The 24th would work for me. Wayne **From:** Schirado, Katherine M. <kschirado@nd.gov> **Sent:** Tuesday, November 16, 2021 8:00 AM **To:** Burgum, Doug <doug@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Smith, Jodi <jodi.smith@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Strand, Danielle N. <dnstrand@nd.gov>; Schwab, Jill L. <jilschwab@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Seay, Dawn <dseay@nd.gov>; Newell, Catelin A. <cnewell@nd.gov> **Subject:** Special November Land Board Meeting **Importance:** High Good Morning, Board Members and Staff, We are looking at dates and times for a Special November Land Board Meeting to be held via Teams. At your earliest convenience, please respond with your availability for Monday, November 22 from 10:00-11:00 AM. Thank you for your time in this matter. Kate Katherine Schirado *Administrative Assistant II* 701.328.1925 • kschirado@nd.gov • land.nd.gov
Attachments	image001[12356].png

Record 1233

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kschirado@nd.gov
Subject	RE: Special November Land Board Meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:13:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:13:26.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:13:00.000 AM
Body	I am not available Nov. 22 or 23. The 24th would work for me. Wayne **From:** Schirado, Katherine M. <kschirado@nd.gov> **Sent:** Tuesday, November 16, 2021 8:00 AM **To:** Burgum, Doug <doug@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Smith, Jodi <jodi.smith@nd.gov>; Carmichael, Patty A. <pcarmichael@nd.gov>; Strand, Danielle N. <dnstrand@nd.gov>; Schwab, Jill L. <jilschwab@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Seay, Dawn <dseay@nd.gov>; Newell, Catelin A. <cnewell@nd.gov> **Subject:** Special November Land Board Meeting **Importance:** High Good Morning, Board Members and Staff, We are looking at dates and times for a Special November Land Board Meeting to be held via Teams. At your earliest convenience, please respond with your availability for Monday, November 22 from 10:00-11:00 AM. Thank you for your time in this matter. Kate Katherine Schirado *Administrative Assistant II* 701.328.1925 • kschirado@nd.gov • land.nd.gov
Attachments	image001[8890].png

Record 1234

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:38:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:38:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:38:39.000 AM
Body	Can you come over here? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1235

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:38:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:38:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 8:38:39.000 AM

Body	Can you come over here? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1236

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:04:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:04:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:04:53.000 AM
Body	0lease co.e in to listenin Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1237

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:04:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:04:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:04:53.000 AM
Body	0lease co.e in to listenin Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1238

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	FW: 2022 Strategy Review Overview + Strategic Thinking/Strategic Planning Training Opportunity
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:37:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:37:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:37:00.000 AM

Body	**From:** Miller, Tammy J. <tjmiller@nd.gov> **Sent:** Tuesday, November 16, 2021 9:34 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Finck, Travis <tfinck@nd.gov>; Fine, Karlene K. <kfine@nd.gov>; Flohr, David A. <dflohr@nd.gov>; Gallion, Joshua C. <jcgallion@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Hagerott, Mark <mark.hagerott@ndus.edu>; Helms, Lynn D. <lhelms@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Jensen, Jon <JJensen@ndcourts.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Johnson, Mark B. <mjohn@nd.gov>; Kahl, Steven M. <smkahl@nd.gov>; Konikow, Kim <kkonikow@nd.gov>; Korslien, Renae <renae@ndstatefair.com>; Kroshus, Brian <bkroshus@nd.gov>; Larsen, Teresa A. <tlarsen@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>; Olson, Paul H. <polson@nd.gov>; Peterson, Bill <billpeterson@nd.gov>; Rauschenberger, Ryan A. <rarauschenberger@nd.gov>; Schulz, Jack K. <jschulz@nd.gov>; Sick, Wayde <wasick@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Soucie, Mary J. <msoucie@nd.gov>; Steinwand, Todd J. <tsteinwand@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Taylor, Vance <vtaylor@ndmill.com>; Thiele, David L. <dthiele@nd.gov>; Wangen, Lonnie L. <lwangen@nd.gov>; Wanner, Kyle C. <kcwanner@nd.gov>; Zietz, Veronica <vzietz@nd.gov>; Armacost, Andrew <andrew.armacost@und.edu>; Bresciani, Dean <dean.bresciani@ndsu.edu>; Claeys, Thomas <thomas.claeys@ndus.edu>; Darling, Doug D. <doug.darling@lrsc.edu>; Easton, Stephen <steve.easton@dickinsonstate.edu>; Hirning, Bernell <bernell.hirning@willistonstate.edu>; Jensen, Doug <douglas.j.jensen@bismarckstate.edu>; Jirik, Mark <mark.jirik@ndsu.edu>; alan.lafarve@vcsu.edu; Lardy, Greg <gregory.lardy@ndsu.edu>; Migler, Jerome <jerome.migler@dakotacollege.edu>; Richman, John <john.richman@ndscs.edu>; Steven.Shirley@minotstate.edu; Tolliver, Denver <denver.tolliver@ndsu.edu>; Van Horn, Brian <brian.vanhorn@mayvillestate.edu> **Cc:** Herrington, Molly J. <mherrington@nd.gov>; Hopkins, Danelle <dhopkins@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov> **Subject:** 2022 Strategy Review Overview + Strategic Thinking/Strategic Planning Training Opportunity Greetings Team ND Leaders, You are invited to join a two-part meeting on November 22 to introduce the 2022 Strategy Review process and timeline. We will also fuel your growth mindset through a learning opportunity tailored to enhance your creative and strategic thinking, plus roll out updated planning tools. Feel free to forward this invitation to others in your agency as you see appropriate. Attached are **two calendar invites** for 11/22/2021 **(please open and save to your calendar)**: 1. Strategic Thinking/Strategic Planning Training – 3:00-4:00 p.m. 2. 2022 Strategy Review Overview – 4:00-5:00 p.m. Thank you for your engagement, Tammy Tammy J. Miller *Chief Operating Officer* 701.715.5824 • tjmiller@nd.gov • governor.nd.gov Sign up to receive updates from Governor Burgum
Attachments	16088.ics, image001[12367].png, image002[12368].png, image003[12369].png, image004[12370].png, image005[12371].png, 16087.ics

Record 1239

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	FW: 2022 Strategy Review Overview + Strategic Thinking/Strategic Planning Training Opportunity
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:37:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:37:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 9:37:00.000 AM

Body	**From:** Miller, Tammy J. <tjmiller@nd.gov> **Sent:** Tuesday, November 16, 2021 9:34 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Finck, Travis <tfinck@nd.gov>; Fine, Karlene K. <kfine@nd.gov>; Flohr, David A. <dflohr@nd.gov>; Gallion, Joshua C. <jcgallion@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Hagerott, Mark <mark.hagerott@ndus.edu>; Helms, Lynn D. <lhelms@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Jensen, Jon <JJensen@ndcourts.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Johnson, Mark B. <mjohn@nd.gov>; Kahl, Steven M. <smkahl@nd.gov>; Konikow, Kim <kkonikow@nd.gov>; Korslien, Renae <renae@ndstatefair.com>; Kroshus, Brian <bkroshus@nd.gov>; Larsen, Teresa A. <tlarsen@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>; Olson, Paul H. <polson@nd.gov>; Peterson, Bill <billpeterson@nd.gov>; Rauschenberger, Ryan A. <rarauschenberger@nd.gov>; Schulz, Jack K. <jschulz@nd.gov>; Sick, Wayde <wasick@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Soucie, Mary J. <msoucie@nd.gov>; Steinwand, Todd J. <tsteinwand@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Taylor, Vance <vtaylor@ndmill.com>; Thiele, David L. <dthiele@nd.gov>; Wangen, Lonnie L. <lwangen@nd.gov>; Wanner, Kyle C. <kcwanner@nd.gov>; Zietz, Veronica <vzietz@nd.gov>; Armacost, Andrew <andrew.armacost@und.edu>; Bresciani, Dean <dean.bresciani@ndsu.edu>; Claeys, Thomas <thomas.claeys@ndus.edu>; Darling, Doug D. <doug.darling@lrsc.edu>; Easton, Stephen <steve.easton@dickinsonstate.edu>; Hirning, Bernell <bernell.hirning@willistonstate.edu>; Jensen, Doug <douglas.j.jensen@bismarckstate.edu>; Jirik, Mark <mark.jirik@ndsu.edu>; alan.lafarve@vcsu.edu; Lardy, Greg <gregory.lardy@ndsu.edu>; Migler, Jerome <jerome.migler@dakotacollege.edu>; Richman, John <john.richman@ndscs.edu>; Steven.Shirley@minotstate.edu; Tolliver, Denver <denver.tolliver@ndsu.edu>; Van Horn, Brian <brian.vanhorn@mayvillestate.edu> **Cc:** Herrington, Molly J. <mherrington@nd.gov>; Hopkins, Danelle <dhopkins@nd.gov>; Hanson, JoDee <jodeehanson@nd.gov> **Subject:** 2022 Strategy Review Overview + Strategic Thinking/Strategic Planning Training Opportunity Greetings Team ND Leaders, You are invited to join a two-part meeting on November 22 to introduce the 2022 Strategy Review process and timeline. We will also fuel your growth mindset through a learning opportunity tailored to enhance your creative and strategic thinking, plus roll out updated planning tools. Feel free to forward this invitation to others in your agency as you see appropriate. Attached are **two calendar invites** for 11/22/2021 **(please open and save to your calendar)**: 1. Strategic Thinking/Strategic Planning Training – 3:00-4:00 p.m. 2. 2022 Strategy Review Overview – 4:00-5:00 p.m. Thank you for your engagement, Tammy Tammy J. Miller *Chief Operating Officer* 701.715.5824 • tjmiller@nd.gov • governor.nd.gov Sign up to receive updates from Governor Burgum
Attachments	12738.ics, image001[8908].png, image002[8909].png, image003[8910].png, image004[8911].png, image005[8912].png, 12737.ics

Record 1240

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	FW: CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 10:30:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 10:30:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 10:30:00.000 AM

Body	**From:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov> **Sent:** Tuesday, November 16, 2021 10:21 AM **To:** cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden@azag.gov; Drew.Ensign@azag.gov; Henry.Whitaker@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov **Cc:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov> **Subject:** CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi friends, Alabama plans to file an amicus brief in support of Arkansas as it challenges the district court's preliminary injunction enjoining enforcement of the state's "Save Adolescents from Experimentation (SAFE) Act." The Act generally prohibits healthcare professionals from using hormones and surgery to treat gender dysphoria in children. Our brief makes two main points. First, gender transition for minors is an area fraught with medical uncertainty that can lead to particularly tragic results. Here, the brief recounts a number of surveys of the medical literature by hospital systems in the UK, Finland, and Sweden that caused those countries to take a far more measured approach to treatment than the "gender-affirming care" model that the district court said the Constitution requires. Second, the brief contends that States have broad authority to regulate the medical profession, particularly in areas fraught with medical and scientific uncertainties such as this one. It also explains that the amici that the district court relied on—such as the American Medical Association and the American Academy of Pediatrics—are not the neutral arbiters of science they purport to be. We filed a similar brief in the district court in July, where we were joined by Alaska, Arizona, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, South Carolina, South Dakota, Tennessee, and Texas. That brief is also attached, as is the district court's preliminary injunction order and Arkansas's opening brief in the Eighth Circuit. The brief is due this Friday, so we are asking for sign-ons by **1 pm CT on Friday, November 19.** Apologies for the quick turnaround. Please let Eddie and me know if you have questions or suggestions. Thanks very much, Barrett Barrett Bowdre Deputy Solicitor General Office of the Attorney General State of Alabama 501 Washington Avenue Post Office Box 300152 Montgomery, AL 36130 334.353.8892 Office 334.353.8400 Fax Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	16084.pdf, 16085.pdf, 16086.pdf, 16083.docx

Record 1241

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	FW: CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 10:30:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 10:30:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 10:30:00.000 AM

Body	**From:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov> **Sent:** Tuesday, November 16, 2021 10:21 AM **To:** cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden@azag.gov; Drew.Ensign@azag.gov; Henry.Whitaker@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; murrille@ag.louisiana.gov; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov **Cc:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov> **Subject:** CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi friends, Alabama plans to file an amicus brief in support of Arkansas as it challenges the district court's preliminary injunction enjoining enforcement of the state's "Save Adolescents from Experimentation (SAFE) Act." The Act generally prohibits healthcare professionals from using hormones and surgery to treat gender dysphoria in children. Our brief makes two main points. First, gender transition for minors is an area fraught with medical uncertainty that can lead to particularly tragic results. Here, the brief recounts a number of surveys of the medical literature by hospital systems in the UK, Finland, and Sweden that caused those countries to take a far more measured approach to treatment than the "gender-affirming care" model that the district court said the Constitution requires. Second, the brief contends that States have broad authority to regulate the medical profession, particularly in areas fraught with medical and scientific uncertainties such as this one. It also explains that the amici that the district court relied on—such as the American Medical Association and the American Academy of Pediatrics—are not the neutral arbiters of science they purport to be. We filed a similar brief in the district court in July, where we were joined by Alaska, Arizona, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, South Carolina, South Dakota, Tennessee, and Texas. That brief is also attached, as is the district court's preliminary injunction order and Arkansas's opening brief in the Eighth Circuit. The brief is due this Friday, so we are asking for sign-ons by **1 pm CT on Friday, November 19.** Apologies for the quick turnaround. Please let Eddie and me know if you have questions or suggestions. Thanks very much, Barrett Barrett Bowdre Deputy Solicitor General Office of the Attorney General State of Alabama 501 Washington Avenue Post Office Box 300152 Montgomery, AL 36130 334.353.8892 Office 334.353.8400 Fax Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	12734.pdf, 12735.pdf, 12736.pdf, 12733.docx

Record 1242

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, lbrocker@nd.gov
Subject	RE: Hansen Elevator Service ~ Litigation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:14:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:14:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:14:00.000 PM

Body	Ok. please proceed with one. Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Tuesday, November 16, 2021 3:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Card, Brian M. <bmcard@nd.gov>; Schroeder, Chris N. <cschroed@nd.gov> **Subject:** Hansen Elevator Service ~ Litigation I recommend a news release for your consideration. Thank you. *Parrell* **From:** Card, Brian M. <bmcard@nd.gov> **Sent:** Tuesday, November 16, 2021 3:29 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Schroeder, Chris N. <cschroed@nd.gov> **Subject:** RE: Hansen Elevator Service ~ Litigation A quick summary: On November 16, 2021, the Cass County District Court entered judgment against Dave Hansen, doing business as Hansen Elevator Service, after determining that he had engaged in violations of the consumer protection law. The Court found that Hansen had contracted to perform elevator maintenance services for four North Dakota businesses, solicited large advance payments, and then failed to provide materials or return to perform the work. The Court concluded that Hansen had also misrepresented that his business was registered in North Dakota and mispresented that he held insurance. The Court banned Hansen from engaging in contracting work in North Dakota (for at least five years and) until he refunds $102,128.92 to the businesses he defrauded. Hansen was also ordered to reimburse $6,332.00 in costs to the State. Thank you, Brian Card Assistant Attorney General Consumer Protection & Antitrust Division Office of Attorney General of North Dakota 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736 Ph: 701-328-5570 Fax: 701-328-5568 **From:** Card, Brian M. **Sent:** Tuesday, November 16, 2021 2:28 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Schroeder, Chris N. <cschroed@nd.gov> **Subject:** Hansen Elevator Service ~ Litigation For the website, attached is the combined findings of fact and judgment in the matter of Dave Hansen dba Hansen Elevator Service. Mr. Hansen took a considerable amount of money and the office might consider issuing a press release. Thank you, Brian Card Assistant Attorney General Consumer Protection & Antitrust Division Office of Attorney General of North Dakota 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736 Ph: 701-328-5570 Fax: 701-328-5568

Record 1243

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, lbrocker@nd.gov
Subject	RE: Hansen Elevator Service ~ Litigation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:14:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:14:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:14:00.000 PM

Body	Ok. please proceed with one. Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Tuesday, November 16, 2021 3:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Card, Brian M. <bmcard@nd.gov>; Schroeder, Chris N. <cschroed@nd.gov> **Subject:** Hansen Elevator Service ~ Litigation I recommend a news release for your consideration. Thank you. *Parrell* **From:** Card, Brian M. <bmcard@nd.gov> **Sent:** Tuesday, November 16, 2021 3:29 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Schroeder, Chris N. <cschroed@nd.gov> **Subject:** RE: Hansen Elevator Service ~ Litigation A quick summary: On November 16, 2021, the Cass County District Court entered judgment against Dave Hansen, doing business as Hansen Elevator Service, after determining that he had engaged in violations of the consumer protection law. The Court found that Hansen had contracted to perform elevator maintenance services for four North Dakota businesses, solicited large advance payments, and then failed to provide materials or return to perform the work. The Court concluded that Hansen had also misrepresented that his business was registered in North Dakota and mispresented that he held insurance. The Court banned Hansen from engaging in contracting work in North Dakota (for at least five years and) until he refunds $102,128.92 to the businesses he defrauded. Hansen was also ordered to reimburse $6,332.00 in costs to the State. Thank you, Brian Card Assistant Attorney General Consumer Protection & Antitrust Division Office of Attorney General of North Dakota 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736 Ph: 701-328-5570 Fax: 701-328-5568 **From:** Card, Brian M. **Sent:** Tuesday, November 16, 2021 2:28 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Schroeder, Chris N. <cschroed@nd.gov> **Subject:** Hansen Elevator Service ~ Litigation For the website, attached is the combined findings of fact and judgment in the matter of Dave Hansen dba Hansen Elevator Service. Mr. Hansen took a considerable amount of money and the office might consider issuing a press release. Thank you, Brian Card Assistant Attorney General Consumer Protection & Antitrust Division Office of Attorney General of North Dakota 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736 Ph: 701-328-5570 Fax: 701-328-5568

Record 1244

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	crittenbach@nd.gov, tseibel@nd.gov, rquinn@nd.gov, bekeller@nd.gov
Subject	RE: Thank you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:17:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:17:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:17:00.000 PM

Body	I truly appreciate all the things you and your colleagues do for the state of North Dakota! And I appreciate your taking the time to write. Wayne **From:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Sent:** Tuesday, November 16, 2021 3:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Quinn, Robyn <rquinn@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** Thank you Just want to thank each of you for all you did to make this happen. All of us Forensic Scientists do really love what we do and always strive to be the best. It really is nice to feel appreciated and thanks for having our backs and fighting this fight for us. Thanks again! Charlene Rittenbach, ABC-DA, ABC-FD Forensic Scientist III, FCU Technical Lead North Dakota Office of Attorney General Crime Laboratory Division 2641 East Main Ave Bismarck, ND 58501 701-328-6159 crittenbach@nd.gov NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Record 1245

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	crittenbach@nd.gov, tseibel@nd.gov, rquinn@nd.gov, bekeller@nd.gov
Subject	RE: Thank you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:17:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:17:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:17:00.000 PM

Body	I truly appreciate all the things you and your colleagues do for the state of North Dakota! And I appreciate your taking the time to write. Wayne **From:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Sent:** Tuesday, November 16, 2021 3:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Quinn, Robyn <rquinn@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** Thank you Just want to thank each of you for all you did to make this happen. All of us Forensic Scientists do really love what we do and always strive to be the best. It really is nice to feel appreciated and thanks for having our backs and fighting this fight for us. Thanks again! Charlene Rittenbach, ABC-DA, ABC-FD Forensic Scientist III, FCU Technical Lead North Dakota Office of Attorney General Crime Laboratory Division 2641 East Main Ave Bismarck, ND 58501 701-328-6159 crittenbach@nd.gov NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Record 1246

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov, tseibel@nd.gov
Subject	RE: State v. Rebecca Fruge Anderson - Burleigh County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:30:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:30:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:30:00.000 PM

Body	Well done, everyone! Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Tuesday, November 16, 2021 4:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Leingang, Breanna M. <brmleingang@nd.gov>; Magstadt, Kari A. <karmagstadt@nd.gov> **Subject:** State v. Rebecca Fruge Anderson - Burleigh County Gentlemen: We are happy to tell you that the first ever ND MFCU case has made it through the court system. Today Rebecca Fruge Anderson plead guilty to Medicaid Fraud, a B Felony. The restitution hearing will be held in January and we will be asking for $75,904.95. Bre and Kari did an amazing job investigating and analyzing the case and claims data. They would have made fabulous witnesses at trial. We also had great cooperation from PIU and its employees. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
CC	lbrocker@nd.gov, brmleingang@nd.gov, karmagstadt@nd.gov

Record 1247

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov, tseibel@nd.gov
Subject	RE: State v. Rebecca Fruge Anderson - Burleigh County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:30:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:30:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:30:00.000 PM

Body	Well done, everyone! Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Tuesday, November 16, 2021 4:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Leingang, Breanna M. <brmleingang@nd.gov>; Magstadt, Kari A. <karmagstadt@nd.gov> **Subject:** State v. Rebecca Fruge Anderson - Burleigh County Gentlemen: We are happy to tell you that the first ever ND MFCU case has made it through the court system. Today Rebecca Fruge Anderson plead guilty to Medicaid Fraud, a B Felony. The restitution hearing will be held in January and we will be asking for $75,904.95. Bre and Kari did an amazing job investigating and analyzing the case and claims data. They would have made fabulous witnesses at trial. We also had great cooperation from PIU and its employees. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
CC	lbrocker@nd.gov, brmleingang@nd.gov, karmagstadt@nd.gov

Record 1248

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Activity in Case MCP No. 165 IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INT ERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. R EG. 61402, ISSUED ON NOVEMBER 4, 2021 Consolidation Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:31:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:31:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:31:00.000 PM

Body

I think thatâ€™s a good circuit for this case.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, November 16, 2021 3:11 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: Activity in Case MCP No. 165 IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INTERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. REG. 61402, ISSUED ON NOVEMBER 4, 2021 Consolidation Order

The OHSA Vaccine Mandate Challenge was consolidated into the 6th Circuit.

From: JPMLCMECF@jpml.uscourts.gov <JPMLCMECF@jpml.uscourts.gov>
Sent: Tuesday, November 16, 2021 3:05 PM
To: JPMLCMDECF@jpml.uscourts.gov

Subject: Activity in Case MCP No. 165 IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INTERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. REG. 61402, ISSUED ON NOVEMBER 4, 2021 Consolidation Order

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United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing
The following transaction was entered on 11/16/2021 at 4:05 PM EST and filed on 11/16/2021
Case Name: IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INTERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. REG. 61402, ISSUED ON NOVEMBER 4, 2021
Case Number: MCP No. 165
Filer:
Document Number: 1

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: United Association of Journeymen & Apprentices v. OSHA
Case Number: 04/1:21-ca-02262
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: Union of American Physicians v. OSHA, et al.
Case Number: 09/1:21-ca-71379
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Body	**Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** AFT Pennsylvania v. Occupational Safety & Health Administration, U.S. Department of Labor **Case Number:** 03/1:21-ca-03088 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** State of Indiana v. Occupational Safety and Health Administration, United States Department of Labor **Case Number:** 07/1:21-ca-03066 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** Associated Builders & Contractors, Inc., et al. v. Occupational Safety & Health Admin., et al. **Case Number:** 11/1:21-ca-13910 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** The Denver Newspaper Guild, et al. v. OSHA, et al. **Case Number:** 10/1:21-ca-09592 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** Commonwealth of KY, et al v. OSHA, et al **Case Number:** 06/1:21-ca-04031

Body	**Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** Tankcraft Corporation, et al v. OSHA **Case Number:** 07/1:21-ca-03058 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** FabArc Steel Supply, Inc., et al. v. Occupational Safety & Health Administration, et al. **Case Number:** 11/1:21-ca-13900 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** National Assoc. of Home Builders of the United States v. Occupational Safety and Health Admin. et al **Case Number:** DC/1:21-ca-01232 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** MFA Inc., et al. v. U.S. Department of Labor and Occupational Safety and Health Administration **Case Number:** 08/1:21-ca-03556 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora**

Body	Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Answers in Genesis, Inc. v. OSHA Case Number: 06/1:21-ca-04032 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Phillips Manufacturing & Tower, et al v. OSHA, et al Case Number: 06/1:21-ca-04028 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: State of Florida, et al. v. O.S.H.A., U.S. D.O.L. Case Number: 11/1:21-ca-13866 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: United Food and Commercial Workers Inter'l Union, et al. v. Occupational Safety and Health, et al. Case Number: DC/1:21-ca-01219 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Republican National Committee v. Occupational Safety and Health Administration, et al. Case Number: DC/1:21-ca-01215

Body	Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: State of Missouri, et al v. Joseph R. Biden, Jr., et al. Case Number: 08/1:21-ca-03494 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Job Creators Network, et al v. United States Department of Labor, et al Case Number: 08/1:21-ca-03491 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Southern Baptist Theological, et al v. OSHA, et al Case Number: 06/1:21-ca-04033 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Local 32BJ, Service Employees International Union v. Occupational Safety and Health Admin., et al. Case Number: 02/1:21-ca-02800 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Body	Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: National Association of Broadcast v. OSHA, et al. Case Number: 09/1:21-ca-71370 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Bentkey Services v. Occupational Safety & Health Administration, et al. Case Number: 06/1:21-ca-04027 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Associated General Contractors of America, et al. v. OSHA Case Number: 04/1:21-ca-02283 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: BST Holdings v. OSHA Case Number: 05/1:21-ca-60845 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Massachusetts Building Trades Council v. Occupational Safety and Health Administration Case Number: 01/1:21-ca-01926 Filer:

Body

Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: Media Guild of the West v. OSHA, et al.
Case Number: 09/1:21-ca-71374
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: DTN Staffing Inc., et al v. Occupational Safety and Health Administration, et al.
Case Number: 08/1:21-ca-03540
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

MCP No. 165 Notice has been electronically mailed to:

MCP No. 165 Notice will not be electronically mailed to:

04/1:21-ca-02262 Notice has been electronically mailed to:

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04/1:21-ca-02262 Notice will not be electronically mailed to:

09/1:21-ca-71379 Notice has been electronically mailed to:

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09/1:21-ca-71379 Notice will not be electronically mailed to:

03/1:21-ca-03088 Notice has been electronically mailed to:

Body	Michael S. Raab michael.raab@usdoj.gov Louise McGauley Betts betts.louise@dol.gov Adam C Jed adam.c.jed@usdoj.gov Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Irwin W. Aronson iaronson@wwdlaw.com Amy L. Rosenberger arosenberger@wwdlaw.com Seema Nanda nanda.seema@dol.gov **03/1:21-ca-03088 Notice will not be electronically mailed to:** **07/1:21-ca-03066 Notice has been electronically mailed to:** Edmund C Baird Baird.Edmund@dol.gov Thomas M. Fisher tom.fisher@atg.in.gov, lara.langeneckert@atg.in.gov Heather R. Phillips phillips.heather@dol.gov, ori.lev@usdoj.gov Brian Alan Broecker broecker.brian@dol.gov Thomas Tso tso.thomas@dol.gov **07/1:21-ca-03066 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 **11/1:21-ca-13910 Notice has been electronically mailed to:** Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov J. Larry Stine jls@wimlaw.com **11/1:21-ca-13910 Notice will not be electronically mailed to:** **10/1:21-ca-09592 Notice has been electronically mailed to:** Brian Alan Broecker broecker.brian@dol.gov Stanley Gosch sgosch@cwa-union.org **10/1:21-ca-09592 Notice will not be electronically mailed to:** **06/1:21-ca-04031 Notice has been electronically mailed to:** Jeffrey A Chanay jeff.chanay@ag.ks.gov, donna.wells@ag.ks.gov William G. Myers, III wmyers@hollandhart.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Victor B. Maddox victor.maddox@ky.gov Christopher L. Thacker christopher.thacker@ky.gov Brian Kane brian.kane@ag.idaho.gov Benjamin M. Flowers bflowers@ohioago.gov Mithun Mansinghani Mithun.mansinghani@oag.ok.gov Brian A. Broecker broecker.brian@dol.gov Clark L. Hildabrand clark.hildabrand@ag.tn.gov Brandon J. Smith brandon.smith@ag.tn.gov Lindsay S. See Lindsay.s.see@wvago.gov **06/1:21-ca-04031 Notice will not be electronically mailed to:** Alexander Y. Magera Office of the Attorney General 700 Capital Ave. Suite 118 Frankfort, KY 40601 Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 David Andrew Porter Kienbaum, Hardy, Viviano, Pelton & Forrest 280 N. Old Woodward Ave.

Body	Suite 400 Birmingham, MI 48009 Jeffrey B. Dubner Democracy Forward Foundation P.O. Box 34553 Washington, DC 20043 Jeremy J. Sylvester Office of the Attorney General 700 Capital Ave. Suite 118 Frankfort, KY 40601 Jessica Anne Morton Democracy Forward Foundation P.O. Box 34553 Washington, DC 34553 JoAnn Kintz Democracy Forward Foundation P.O. Box 34553 Washington, DC 20043 Leslie M. Hayes Deouty Attorney General 700 W. Jefferson St. Suite 210 P.O. Box 83720 Boise, ID 83720-0010 Lindsey R. Keiser Office of the Attorney General 700 Capital Ave. Suite 118 Frankfort, KY 40601 May Davis Deputy Solicitor General 30 E. Broad St. 17th Floor Columbus, OH 43215 Megan A. Larrondo Deputy Attorney General 700 W. Jefferson St. Suite 210 P.O. Box 83720 Boise, ID 83720-0010 Michael Williams Office of the Attorney General State Capitol Complex Bldg. 1, Room E-26 Charleston, WV 25305 Rachel Fried Democracy Forward Foundation P.O. Box 34553 Washington, DC 20043 **07/1:21-ca-03058 Notice has been electronically mailed to:** Heather R. Phillips phillips.heather@dol.gov, ori.lev@usdoj.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Richard M. Esenberg Rick@will-law.org Daniel P. Lennington Dan@will-law.org Lucas T. Vebber lucas@will-law.org Katherine D. Spitz kate@will-law.org **07/1:21-ca-03058 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 Thomas Tso Department of Labor Office of the Solicitor 200 Constitution Ave, N.W. Room N4611 Washington, DC 20210-0000 **11/1:21-ca-13900 Notice has been electronically mailed to:** Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Matthew J. Clark matt@alabamalawandliberty.org **11/1:21-ca-13900 Notice will not be electronically mailed to:** **DC/1:21-ca-01232 Notice has been electronically mailed to:**

Body	Brian A. Broecker broecker.brian@dol.gov Felicia K. Watson fwatson@nahb.org Thomas Jon Ward tward@nahb.com **DC/1:21-ca-01232 Notice will not be electronically mailed to:** **08/1:21-ca-03556 Notice has been electronically mailed to:** John A Ruth jruth@ncrpc.com Louise McGauley Betts betts.louise@dol.gov Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Cathleen A. Martin martinc@ncrpc.com Ryan J. McDaniels ryan.m@ncrpc.com Seema Nanda nanda.seema@dol.gov Alicia Embley Turner turnera@ncrpc.com **08/1:21-ca-03556 Notice will not be electronically mailed to:** **06/1:21-ca-04032 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Jeffrey C. Mateer jmateer@firstliberty.org Hiram S. Sasser, III hsasser@firstliberty.org David H. Hacker dhacker@firstliberty.org Lea E. Patterson lepatterson@firstliberty.org Keisha T. Russell krussell@firstliberty.org **06/1:21-ca-04032 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 Jeremiah G. Dys First Liberty Institute 2001 W. Plano Parkway Suite 1600 Plano, TX 75075 **06/1:21-ca-04028 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Brian Alan Broecker broecker.brian@dol.gov Robert Alt robert@buckeyeinstitute.org Edmund C. Baird baird.edmund@dol.gov **06/1:21-ca-04028 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 **11/1:21-ca-13866 Notice has been electronically mailed to:** Joshua Barrett Belinfante josh.belinfante@robbinsfirm.com Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov David A. Cortman dcortman@ADFlegal.org Henry Charles Whitaker henry.walker@myfloridalegal.com John J. Bursch jbursch@ADFlegal.org Drew Waldbeser dwaldbeser@law.ga.gov Frank H. Chang fchang@ADFlegal.org Edmund G. LaCour, Jr edmund.lacour@alabamaag.org Ryan J. Tucker rtucker@ADFlegal.org

Body	Javier Pico-Prats javier.picoprats@robbinsfirm.com Halron W. Turner hwt@tokh.com E. Tatum Turner ett@tokh.com **11/1:21-ca-13866 Notice will not be electronically mailed to:** **DC/1:21-ca-01219 Notice has been electronically mailed to:** Randy Sue Rabinowitz randy@oshlaw.org Andrew D. Roth aroth@bredhoff.com Brian A. Broecker broecker.brian@dol.gov Peter James Ford pford@ufcw.org Harold C. Becker cbecker@aflcio.org **DC/1:21-ca-01219 Notice will not be electronically mailed to:** **DC/1:21-ca-01215 Notice has been electronically mailed to:** Martin Vincent Totaro mtotaro@mololamken.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Michael E. Toner MToner@wiley.law Brian A. Broecker broecker.brian@dol.gov **DC/1:21-ca-01215 Notice will not be electronically mailed to:** Jeremy J. Broggi Wiley Rein LLP 1776 K Street, NW Washington, DC 20006 Krystal B. Swendsboe Wiley Rein, LLP 1776 K Street, NW Washington, DC 20006 Stephen J. Obermeier Wiley Rein LLP 1776 K Street, NW Washington, DC 20006 Thomas M. Johnson, Jr. Wiley Rein LLP 1776 K Street, NW Washington, DC 20006 **08/1:21-ca-03494 Notice has been electronically mailed to:** Jefferson Downing Jd@keatinglaw.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov D. John Sauer John.Sauer@ago.mo.gov Jesus A. Osete Jesus.Osete@ago.mo.gov Drew Ensign Drew.Ensign@azag.gov David Dewhirst david.dewhirst@mt.gov Christian B Corrigan Christian.Corrigan@mt.gov James A. Campbell Jim.Campbell@nebraska.gov Nicholas J. Bronni Bronni.Nicholas@arkansasag.gov David A. Cortman dcortman@ADFlegal.org John J. Bursch jbursch@ADFlegal.org Matthew S. Bowman mbowman@ADFlegal.org Vincent M. Wagner vincent.wagner@arkansasag.gov Jeffrey S. Thompson Jeffrey.thompson@ag.iowa.gov Samuel P. Langholz Sam.langholz@ag.iowa.gov Ryan L. Bangert rbangert@ADFlegal.org Matthew A. Sagsveen masagsve@nd.gov David M. McVey David.Mcvey@state.sd.us Charles E. Brasington Charles.brasington@alaska.gov Anthony J. Galdieri Anthony.j.galdieri@doj.nj.gov Ryan Schelhaas Ryan.schelhaas@wyo.gov

Body	Matthew W. Murphy matt@vbmlaw.com **08/1:21-ca-03494 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 Merrick B. Garland Michael E. Talent Office of the Attorney General Supreme Court Building 207 W. High St PO Box 899 Jefferson City, MO 65102 **08/1:21-ca-03491 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov R. Trent McCotter mccotter@boydengrayassociates.com Jonathan Berry berry@boydengrayassociates.com Michael Buschbacher info@boydengrayassociates.com Jordan E. Smith smith@boydengrayassociates.com Brian J. Springer Springer.Brian@dol.gov **08/1:21-ca-03491 Notice will not be electronically mailed to:** Merrick B. Garland US Department of Justice 950 Pennsylvania Avenue Washington, DC 20530 **06/1:21-ca-04033 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov David A. Cortman dcortman@ADFlegal.org John J. Bursch jbursch@ADFlegal.org Matthew S. Bowman mbowman@ADFlegal.org Frank H. Chang fchang@ADFlegal.org Ryan L. Bangert rbangert@ADFlegal.org Ryan J. Tucker rtucker@ADFlegal.org **06/1:21-ca-04033 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 **02/1:21-ca-02800 Notice has been electronically mailed to:** Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Allyson Belovin abelovin@levyratner.com **02/1:21-ca-02800 Notice will not be electronically mailed to:** Paul L. Frieden 200 Constitution Avenue, NW N-2716 Washington, DC 20210 **09/1:21-ca-71370 Notice has been electronically mailed to:** Martin Vincent Totaro martin.v.totaro@usdoj.gov David A. Rosenfeld drosenfeld@unioncounsel.net, courtnotices@unioncounsel.net Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Jamila Gleason gleason.jamila@dol.gov

Body	**06/1:21-ca-71370 Notice will not be electronically mailed to:** **06/1:21-ca-04027 Notice has been electronically mailed to:** Harmeet K. Dhillon harmeet@dhillonlaw.com, htoschi@dhillonlaw.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov David A. Cortman dcortman@ADFlegal.org John J. Bursch jbursch@ADFlegal.org Matthew S. Bowman mbowman@ADFlegal.org Ryan L. Bangert rbangert@ADFlegal.org Brian J. Springer brian.springer@usdoj.gov Ronald S. Coleman rcoleman@dhillonlaw.com Mark P. Meuser mmeuser@dhillonlaw.com Michael A. Columbo mcolumbo@dhillonlaw.com Stuart S. McCommas smccommas@dhillonlaw.com **06/1:21-ca-04027 Notice will not be electronically mailed to:** **04/1:21-ca-02283 Notice has been electronically mailed to:** Thomas P Gies tgies@crowell.com Daniel W Wolff dwolff@crowell.com Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Marisa C. Schnaith Schnaith.Marisa.C@dol.gov Alexandra L. Barbee-Garrett abarbee-garrett@crowell.com **04/1:21-ca-02283 Notice will not be electronically mailed to:** **05/1:21-ca-60845 Notice has been electronically mailed to:** John Stone Campbell, III johnstone.campbell@taylorporter.com Justin L Matheny jmath@ago.state.ms.us, fhell@ago.state.ms.us Elizabeth Baker Murrill murrille@ag.louisiana.gov Daniel Robert Suhr dsuhr@libertyjusticecenter.org Brian James Springer brian.j.springer@usdoj.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Sarah Harbison sarah@pelicaninstitute.org Jeffrey Jennings jjennings@libertyjusticecenter.org Jeffrey C. Mateer jmateer@firstliberty.org Hiram S. Sasser, III hsasser@firstliberty.org Marisa C. Schnaith Schnaith.Marisa.C@dol.gov David H. Hacker dhacker@firstliberty.org Lea E. Patterson lepatterson@firstliberty.org Matthew R. Miller mmiller@texaspolicy.com Robert Henneke rhenneke@texaspolicy.com Keisha T. Russell krussell@firstliberty.org Judd E. Stone, II Judd.stone@oag.texas.gov Ryan Baasch ryan.baasch@oag.texas.gov William Francis Cole william.cole@oag.texas.gov Leif A. Olson leif.olson@oag.texas.gov Lanora Christine Pettit lanora.pettit@oag.texas.gov Benjamin D. Wilson benjamin.wilson@oag.texas.gov Joseph S. St. John stjohnj@ag.louisiana.gov John P. Murrill John.murrill@taylorporter.com Scott G. Stewart scott.stewart@ago.ms.gov Rachel Fried rfried@democracyforward.org

Body	Jeffrey B. Dubner jdubner@democracyforward.org Jessica Anne Morton jmorton@democracyforward.org Thomas T. Hydrick thomashydrick@scag.gov Aaron R. Rice Aaron.rice@msjustice.org Melissa A. Holyoak melissaholyoak@agutah.gov Scott A. Keller scott@lehotskykeller.com Joshua P. Morrow scott@lehotskykeller.com Steven P. Lehotsky steve@lehotskykeller.com Michael B. Schon mike@lehotskykeller.com James P. Sullivan Sully.jps@gmail.com Martin Vincent Totaro martin.v.totaro@usdoj.gov **05/1:21-ca-60845 Notice will not be electronically mailed to:** **01/1:21-ca-01926 Notice has been electronically mailed to:** Victoria L Bor bor@shermandunn.com Edmund C. Baird baird.edmund@dol.gov Seema Nanda nanda.seema@dol.gov Brian A. Broecker broecker.brian@dol.gov Marisa C. Schnaith Schnaith.Marisa.C@dol.gov Nicole H. Decter ndecter@segalroitman.com **01/1:21-ca-01926 Notice will not be electronically mailed to:** Donald J. Siegal Segal Roitman LLP 33 Harrison Avenue 7th Floor Boston, MA 02111 Esmeralda Aguilar Sherman Dunn PC 900 7th Street, NW Suite 1000 Washington, DC 20001-0000 Jonathan D. Newman Sherman Dunn PC 900 7th Street, NW Washington, DC 20001-0000 **09/1:21-ca-71374 Notice has been electronically mailed to:** David A. Rosenfeld drosenfeld@unioncounsel.net, courtnotices@unioncounsel.net Lisl R. Soto lsoto@unioncounsel.net Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Jamila Gleason gleason.jamila@dol.gov **09/1:21-ca-71374 Notice will not be electronically mailed to:** **08/1:21-ca-03540 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Kris W. Kobach kkobach@gmail.com Jessica Hart Steinmann jsteinmann@americafirstpolicy.com Josh Campbell jcampbell@americafirstpolicy.com Rachel Jag rjag@americafirstpolicy.com Elena S. Goldstein Goldstein.Elena@dol.gov **08/1:21-ca-03540 Notice will not be electronically mailed to:** The following document(s) are associated with this transaction: **Document description:**Main Document **Original filename:**n/a **Electronic document Stamp:** [STAMP JPMLStamp_ID=1090522767 [Date=11/16/2021] [FileNumber=1090595-0] [0e5c3a3bb57998a12d7c3212271dcf1d419607959b738d59453927b125705aee272 03792bd4891f0986f05e96756925d35fddd939849e6af85b983222c769ee1]]

Record 1249

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Activity in Case MCP No. 165 IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INT ERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. R EG. 61402, ISSUED ON NOVEMBER 4, 2021 Consolidation Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:31:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:31:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 4:31:00.000 PM

Body

I think thatâ€™s a good circuit for this case.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, November 16, 2021 3:11 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: Activity in Case MCP No. 165 IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INTERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. REG. 61402, ISSUED ON NOVEMBER 4, 2021 Consolidation Order

The OHSA Vaccine Mandate Challenge was consolidated into the 6th Circuit.

From: JPMLCMECF@jpml.uscourts.gov <JPMLCMECF@jpml.uscourts.gov>
Sent: Tuesday, November 16, 2021 3:05 PM
To: JPMLCMDECF@jpml.uscourts.gov

Subject: Activity in Case MCP No. 165 IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INTERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. REG. 61402, ISSUED ON NOVEMBER 4, 2021 Consolidation Order

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United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing
The following transaction was entered on 11/16/2021 at 4:05 PM EST and filed on 11/16/2021
Case Name: IN RE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, INTERIM FINAL RULE: COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD, 86 FED. REG. 61402, ISSUED ON NOVEMBER 4, 2021
Case Number: MCP No. 165
Filer:
Document Number: 1

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: United Association of Journeymen & Apprentices v. OSHA
Case Number: 04/1:21-ca-02262
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: Union of American Physicians v. OSHA, et al.
Case Number: 09/1:21-ca-71379
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Body	**Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** AFT Pennsylvania v. Occupational Safety & Health Administration, U.S. Department of Labor **Case Number:** 03/1:21-ca-03088 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** State of Indiana v. Occupational Safety and Health Administration, United States Department of Labor **Case Number:** 07/1:21-ca-03066 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** Associated Builders & Contractors, Inc., et al. v. Occupational Safety & Health Admin., et al. **Case Number:** 11/1:21-ca-13910 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** The Denver Newspaper Guild, et al. v. OSHA, et al. **Case Number:** 10/1:21-ca-09592 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** Commonwealth of KY, et al v. OSHA, et al **Case Number:** 06/1:21-ca-04031

Body	**Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** Tankcraft Corporation, et al v. OSHA **Case Number:** 07/1:21-ca-03058 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** FabArc Steel Supply, Inc., et al. v. Occupational Safety & Health Administration, et al. **Case Number:** 11/1:21-ca-13900 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** National Assoc. of Home Builders of the United States v. Occupational Safety and Health Admin. et al **Case Number:** DC/1:21-ca-01232 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.** **Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)** **Case Name:** MFA Inc., et al. v. U.S. Department of Labor and Occupational Safety and Health Administration **Case Number:** 08/1:21-ca-03556 **Filer:** **Document Number:** 2 **Docket Text:** **CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.** **The United States Court of Appeals for the Sixth Circuit was DESIGNATED** **Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora**

Body	Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Answers in Genesis, Inc. v. OSHA Case Number: 06/1:21-ca-04032 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Phillips Manufacturing & Tower, et al v. OSHA, et al Case Number: 06/1:21-ca-04028 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: State of Florida, et al. v. O.S.H.A., U.S. D.O.L. Case Number: 11/1:21-ca-13866 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: United Food and Commercial Workers Inter'l Union, et al. v. Occupational Safety and Health, et al. Case Number: DC/1:21-ca-01219 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Republican National Committee v. Occupational Safety and Health Administration, et al. Case Number: DC/1:21-ca-01215

Body	Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: State of Missouri, et al v. Joseph R. Biden, Jr., et al. Case Number: 08/1:21-ca-03494 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Job Creators Network, et al v. United States Department of Labor, et al Case Number: 08/1:21-ca-03491 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Southern Baptist Theological, et al v. OSHA, et al Case Number: 06/1:21-ca-04033 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021. Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP) Case Name: Local 32BJ, Service Employees International Union v. Occupational Safety and Health Admin., et al. Case Number: 02/1:21-ca-02800 Filer: Document Number: 2 Docket Text: CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits. The United States Court of Appeals for the Sixth Circuit was DESIGNATED Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Body

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: National Association of Broadcast v. OSHA, et al.
Case Number: 09/1:21-ca-71370
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: Bentkey Services v. Occupational Safety & Health Administration, et al.
Case Number: 06/1:21-ca-04027
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: Associated General Contractors of America, et al. v. OSHA
Case Number: 04/1:21-ca-02283
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: BST Holdings v. OSHA
Case Number: 05/1:21-ca-60845
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: Massachusetts Building Trades Council v. Occupational Safety and Health Administration
Case Number: 01/1:21-ca-01926
Filer:

Body

Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

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Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: Media Guild of the West v. OSHA, et al.
Case Number: 09/1:21-ca-71374
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

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Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

Case Name: DTN Staffing Inc., et al v. Occupational Safety and Health Administration, et al.
Case Number: 08/1:21-ca-03540
Filer:
Document Number: 2

Docket Text:
CONSOLIDATION ORDER FILED - RANDOM SELECTION HELD Consolidating 34 appeals that were pending in 12 circuits.

The United States Court of Appeals for the Sixth Circuit was DESIGNATED

Signed by RANDOM SELECTOR, John W. Nichols, Clerk of Panel, and WITNESS, Delora Davis, Operations Supervisor, FOR THE PANEL, on 11/16/2021.

Associated Cases: MCP No. 165, 01/1:21-ca-01926, 02/1:21-ca-02800, 03/1:21-ca-03088, 04/1:21-ca-02262, 04/1:21-ca-02283, 05/1:21-ca-60845, 06/1:21-ca-04027, 06/1:21-ca-04028, 06/1:21-ca-04031, 06/1:21-ca-04032, 06/1:21-ca-04033, 07/1:21-ca-03058, 07/1:21-ca-03066, 08/1:21-ca-03491, 08/1:21-ca-03494, 08/1:21-ca-03540, 08/1:21-ca-03556, 09/1:21-ca-71370, 09/1:21-ca-71374, 09/1:21-ca-71379, 10/1:21-ca-09592, 11/1:21-ca-13866, 11/1:21-ca-13900, 11/1:21-ca-13910, DC/1:21-ca-01215, DC/1:21-ca-01219, DC/1:21-ca-01232 (DP)

MCP No. 165 Notice has been electronically mailed to:

MCP No. 165 Notice will not be electronically mailed to:

04/1:21-ca-02262 Notice has been electronically mailed to:

Brian Alan Broecker broecker.brian@dol.gov

Edmund C. Baird baird.edmund@dol.gov

Seema Nanda nanda.seema@dol.gov

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Keith R. Bolek kbolek@odonoghuelaw.com

Ellen O. Boardman eboardman@odonoghuelaw.com

04/1:21-ca-02262 Notice will not be electronically mailed to:

09/1:21-ca-71379 Notice has been electronically mailed to:

David A. Rosenfeld drosenfeld@unioncounsel.net, courtnotices@unioncounsel.net

Edmund C. Baird baird.edmund@dol.gov

Brian A. Broecker broecker.brian@dol.gov

Jamila Gleason gleason.jamila@dol.gov

09/1:21-ca-71379 Notice will not be electronically mailed to:

03/1:21-ca-03088 Notice has been electronically mailed to:

Body	Michael S. Raab michael.raab@usdoj.gov Louise McGauley Betts betts.louise@dol.gov Adam C Jed adam.c.jed@usdoj.gov Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Irwin W. Aronson iaronson@wwdlaw.com Amy L. Rosenberger arosenberger@wwdlaw.com Seema Nanda nanda.seema@dol.gov **03/1:21-ca-03088 Notice will not be electronically mailed to:** **07/1:21-ca-03066 Notice has been electronically mailed to:** Edmund C Baird Baird.Edmund@dol.gov Thomas M. Fisher tom.fisher@atg.in.gov, lara.langeneckert@atg.in.gov Heather R. Phillips phillips.heather@dol.gov, ori.lev@usdoj.gov Brian Alan Broecker broecker.brian@dol.gov Thomas Tso tso.thomas@dol.gov **07/1:21-ca-03066 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 **11/1:21-ca-13910 Notice has been electronically mailed to:** Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov J. Larry Stine jls@wimlaw.com **11/1:21-ca-13910 Notice will not be electronically mailed to:** **10/1:21-ca-09592 Notice has been electronically mailed to:** Brian Alan Broecker broecker.brian@dol.gov Stanley Gosch sgosch@cwa-union.org **10/1:21-ca-09592 Notice will not be electronically mailed to:** **06/1:21-ca-04031 Notice has been electronically mailed to:** Jeffrey A Chanay jeff.chanay@ag.ks.gov, donna.wells@ag.ks.gov William G. Myers, III wmyers@hollandhart.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Victor B. Maddox victor.maddox@ky.gov Christopher L. Thacker christopher.thacker@ky.gov Brian Kane brian.kane@ag.idaho.gov Benjamin M. Flowers bflowers@ohioago.gov Mithun Mansinghani Mithun.mansinghani@oag.ok.gov Brian A. Broecker broecker.brian@dol.gov Clark L. Hildabrand clark.hildabrand@ag.tn.gov Brandon J. Smith brandon.smith@ag.tn.gov Lindsay S. See Lindsay.s.see@wvago.gov **06/1:21-ca-04031 Notice will not be electronically mailed to:** Alexander Y. Magera Office of the Attorney General 700 Capital Ave. Suite 118 Frankfort, KY 40601 Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 David Andrew Porter Kienbaum, Hardy, Viviano, Pelton & Forrest 280 N. Old Woodward Ave.

Body	Suite 400 Birmingham, MI 48009 Jeffrey B. Dubner Democracy Forward Foundation P.O. Box 34553 Washington, DC 20043 Jeremy J. Sylvester Office of the Attorney General 700 Capital Ave. Suite 118 Frankfort, KY 40601 Jessica Anne Morton Democracy Forward Foundation P.O. Box 34553 Washington, DC 34553 JoAnn Kintz Democracy Forward Foundation P.O. Box 34553 Washington, DC 20043 Leslie M. Hayes Deouty Attorney General 700 W. Jefferson St. Suite 210 P.O. Box 83720 Boise, ID 83720-0010 Lindsey R. Keiser Office of the Attorney General 700 Capital Ave. Suite 118 Frankfort, KY 40601 May Davis Deputy Solicitor General 30 E. Broad St. 17th Floor Columbus, OH 43215 Megan A. Larrondo Deputy Attorney General 700 W. Jefferson St. Suite 210 P.O. Box 83720 Boise, ID 83720-0010 Michael Williams Office of the Attorney General State Capitol Complex Bldg. 1, Room E-26 Charleston, WV 25305 Rachel Fried Democracy Forward Foundation P.O. Box 34553 Washington, DC 20043 **07/1:21-ca-03058 Notice has been electronically mailed to:** Heather R. Phillips phillips.heather@dol.gov, ori.lev@usdoj.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Richard M. Esenberg Rick@will-law.org Daniel P. Lennington Dan@will-law.org Lucas T. Vebber lucas@will-law.org Katherine D. Spitz kate@will-law.org **07/1:21-ca-03058 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 Thomas Tso Department of Labor Office of the Solicitor 200 Constitution Ave, N.W. Room N4611 Washington, DC 20210-0000 **11/1:21-ca-13900 Notice has been electronically mailed to:** Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Matthew J. Clark matt@alabamalawandliberty.org **11/1:21-ca-13900 Notice will not be electronically mailed to:** **DC/1:21-ca-01232 Notice has been electronically mailed to:**

Body	Brian A. Broecker broecker.brian@dol.gov Felicia K. Watson fwatson@nahb.org Thomas Jon Ward tward@nahb.com **DC/1:21-ca-01232 Notice will not be electronically mailed to:** **08/1:21-ca-03556 Notice has been electronically mailed to:** John A Ruth jruth@ncrpc.com Louise McGauley Betts betts.louise@dol.gov Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Cathleen A. Martin martinc@ncrpc.com Ryan J. McDaniels ryan.m@ncrpc.com Seema Nanda nanda.seema@dol.gov Alicia Embley Turner turnera@ncrpc.com **08/1:21-ca-03556 Notice will not be electronically mailed to:** **06/1:21-ca-04032 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Jeffrey C. Mateer jmateer@firstliberty.org Hiram S. Sasser, III hsasser@firstliberty.org David H. Hacker dhacker@firstliberty.org Lea E. Patterson lepatterson@firstliberty.org Keisha T. Russell krussell@firstliberty.org **06/1:21-ca-04032 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 Jeremiah G. Dys First Liberty Institute 2001 W. Plano Parkway Suite 1600 Plano, TX 75075 **06/1:21-ca-04028 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Brian Alan Broecker broecker.brian@dol.gov Robert Alt robert@buckeyeinstitute.org Edmund C. Baird baird.edmund@dol.gov **06/1:21-ca-04028 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 **11/1:21-ca-13866 Notice has been electronically mailed to:** Joshua Barrett Belinfante josh.belinfante@robbinsfirm.com Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov David A. Cortman dcortman@ADFlegal.org Henry Charles Whitaker henry.walker@myfloridalegal.com John J. Bursch jbursch@ADFlegal.org Drew Waldbeser dwaldbeser@law.ga.gov Frank H. Chang fchang@ADFlegal.org Edmund G. LaCour, Jr edmund.lacour@alabamaag.org Ryan J. Tucker rtucker@ADFlegal.org

Body	Javier Pico-Prats javier.picoprats@robbinsfirm.com Halron W. Turner hwt@tokh.com E. Tatum Turner ett@tokh.com **11/1:21-ca-13866 Notice will not be electronically mailed to:** **DC/1:21-ca-01219 Notice has been electronically mailed to:** Randy Sue Rabinowitz randy@oshlaw.org Andrew D. Roth aroth@bredhoff.com Brian A. Broecker broecker.brian@dol.gov Peter James Ford pford@ufcw.org Harold C. Becker cbecker@aflcio.org **DC/1:21-ca-01219 Notice will not be electronically mailed to:** **DC/1:21-ca-01215 Notice has been electronically mailed to:** Martin Vincent Totaro mtotaro@mololamken.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Michael E. Toner MToner@wiley.law Brian A. Broecker broecker.brian@dol.gov **DC/1:21-ca-01215 Notice will not be electronically mailed to:** Jeremy J. Broggi Wiley Rein LLP 1776 K Street, NW Washington, DC 20006 Krystal B. Swendsboe Wiley Rein, LLP 1776 K Street, NW Washington, DC 20006 Stephen J. Obermeier Wiley Rein LLP 1776 K Street, NW Washington, DC 20006 Thomas M. Johnson, Jr. Wiley Rein LLP 1776 K Street, NW Washington, DC 20006 **08/1:21-ca-03494 Notice has been electronically mailed to:** Jefferson Downing Jd@keatinglaw.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov D. John Sauer John.Sauer@ago.mo.gov Jesus A. Osete Jesus.Osete@ago.mo.gov Drew Ensign Drew.Ensign@azag.gov David Dewhirst david.dewhirst@mt.gov Christian B Corrigan Christian.Corrigan@mt.gov James A. Campbell Jim.Campbell@nebraska.gov Nicholas J. Bronni Bronni.Nicholas@arkansasag.gov David A. Cortman dcortman@ADFlegal.org John J. Bursch jbursch@ADFlegal.org Matthew S. Bowman mbowman@ADFlegal.org Vincent M. Wagner vincent.wagner@arkansasag.gov Jeffrey S. Thompson Jeffrey.thompson@ag.iowa.gov Samuel P. Langholz Sam.langholz@ag.iowa.gov Ryan L. Bangert rbangert@ADFlegal.org Matthew A. Sagsveen masagsve@nd.gov David M. McVey David.Mcvey@state.sd.us Charles E. Brasington Charles.brasington@alaska.gov Anthony J. Galdieri Anthony.j.galdieri@doj.nj.gov Ryan Schelhaas Ryan.schelhaas@wyo.gov

Body	Matthew W. Murphy matt@vbmlaw.com **08/1:21-ca-03494 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 Merrick B. Garland Michael E. Talent Office of the Attorney General Supreme Court Building 207 W. High St PO Box 899 Jefferson City, MO 65102 **08/1:21-ca-03491 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov R. Trent McCotter mccotter@boydengrayassociates.com Jonathan Berry berry@boydengrayassociates.com Michael Buschbacher info@boydengrayassociates.com Jordan E. Smith smith@boydengrayassociates.com Brian J. Springer Springer.Brian@dol.gov **08/1:21-ca-03491 Notice will not be electronically mailed to:** Merrick B. Garland US Department of Justice 950 Pennsylvania Avenue Washington, DC 20530 **06/1:21-ca-04033 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov David A. Cortman dcortman@ADFlegal.org John J. Bursch jbursch@ADFlegal.org Matthew S. Bowman mbowman@ADFlegal.org Frank H. Chang fchang@ADFlegal.org Ryan L. Bangert rbangert@ADFlegal.org Ryan J. Tucker rtucker@ADFlegal.org **06/1:21-ca-04033 Notice will not be electronically mailed to:** Brian James Springer U.S. Department of Justice Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W. Washington, DC 20530 **02/1:21-ca-02800 Notice has been electronically mailed to:** Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Allyson Belovin abelovin@levyratner.com **02/1:21-ca-02800 Notice will not be electronically mailed to:** Paul L. Frieden 200 Constitution Avenue, NW N-2716 Washington, DC 20210 **09/1:21-ca-71370 Notice has been electronically mailed to:** Martin Vincent Totaro martin.v.totaro@usdoj.gov David A. Rosenfeld drosenfeld@unioncounsel.net, courtnotices@unioncounsel.net Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Jamila Gleason gleason.jamila@dol.gov

Body	06/1:21-ca-71370 Notice will not be electronically mailed to: **06/1:21-ca-04027 Notice has been electronically mailed to:** Harmeet K. Dhillon harmeet@dhillonlaw.com, htoschi@dhillonlaw.com Louise McGauley Betts betts.louise@dol.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov David A. Cortman dcortman@ADFlegal.org John J. Bursch jbursch@ADFlegal.org Matthew S. Bowman mbowman@ADFlegal.org Ryan L. Bangert rbangert@ADFlegal.org Brian J. Springer brian.springer@usdoj.gov Ronald S. Coleman rcoleman@dhillonlaw.com Mark P. Meuser mmeuser@dhillonlaw.com Michael A. Columbo mcolumbo@dhillonlaw.com Stuart S. McCommas smccommas@dhillonlaw.com **06/1:21-ca-04027 Notice will not be electronically mailed to:** **04/1:21-ca-02283 Notice has been electronically mailed to:** Thomas P Gies tgies@crowell.com Daniel W Wolff dwolff@crowell.com Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Marisa C. Schnaith Schnaith.Marisa.C@dol.gov Alexandra L. Barbee-Garrett abarbee-garrett@crowell.com **04/1:21-ca-02283 Notice will not be electronically mailed to:** **05/1:21-ca-60845 Notice has been electronically mailed to:** John Stone Campbell, III johnstone.campbell@taylorporter.com Justin L Matheny jmath@ago.state.ms.us, fhell@ago.state.ms.us Elizabeth Baker Murrill murrille@ag.louisiana.gov Daniel Robert Suhr dsuhr@libertyjusticecenter.org Brian James Springer brian.j.springer@usdoj.gov Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Sarah Harbison sarah@pelicaninstitute.org Jeffrey Jennings jjennings@libertyjusticecenter.org Jeffrey C. Mateer jmateer@firstliberty.org Hiram S. Sasser, III hsasser@firstliberty.org Marisa C. Schnaith Schnaith.Marisa.C@dol.gov David H. Hacker dhacker@firstliberty.org Lea E. Patterson lepatterson@firstliberty.org Matthew R. Miller mmiller@texaspolicy.com Robert Henneke rhenneke@texaspolicy.com Keisha T. Russell krussell@firstliberty.org Judd E. Stone, II Judd.stone@oag.texas.gov Ryan Baasch ryan.baasch@oag.texas.gov William Francis Cole william.cole@oag.texas.gov Leif A. Olson leif.olson@oag.texas.gov Lanora Christine Pettit lanora.pettit@oag.texas.gov Benjamin D. Wilson benjamin.wilson@oag.texas.gov Joseph S. St. John stjohnj@ag.louisiana.gov John P. Murrill John.murrill@taylorporter.com Scott G. Stewart scott.stewart@ago.ms.gov Rachel Fried rfried@democracyforward.org

Body	Jeffrey B. Dubner jdubner@democracyforward.org Jessica Anne Morton jmorton@democracyforward.org Thomas T. Hydrick thomashydrick@scag.gov Aaron R. Rice Aaron.rice@msjustice.org Melissa A. Holyoak melissaholyoak@agutah.gov Scott A. Keller scott@lehotskykeller.com Joshua P. Morrow scott@lehotskykeller.com Steven P. Lehotsky steve@lehotskykeller.com Michael B. Schon mike@lehotskykeller.com James P. Sullivan Sully.jps@gmail.com Martin Vincent Totaro martin.v.totaro@usdoj.gov **05/1:21-ca-60845 Notice will not be electronically mailed to:** **01/1:21-ca-01926 Notice has been electronically mailed to:** Victoria L Bor bor@shermandunn.com Edmund C. Baird baird.edmund@dol.gov Seema Nanda nanda.seema@dol.gov Brian A. Broecker broecker.brian@dol.gov Marisa C. Schnaith Schnaith.Marisa.C@dol.gov Nicole H. Decter ndecter@segalroitman.com **01/1:21-ca-01926 Notice will not be electronically mailed to:** Donald J. Siegal Segal Roitman LLP 33 Harrison Avenue 7th Floor Boston, MA 02111 Esmeralda Aguilar Sherman Dunn PC 900 7th Street, NW Suite 1000 Washington, DC 20001-0000 Jonathan D. Newman Sherman Dunn PC 900 7th Street, NW Washington, DC 20001-0000 **09/1:21-ca-71374 Notice has been electronically mailed to:** David A. Rosenfeld drosenfeld@unioncounsel.net, courtnotices@unioncounsel.net Lisl R. Soto lsoto@unioncounsel.net Edmund C. Baird baird.edmund@dol.gov Brian A. Broecker broecker.brian@dol.gov Jamila Gleason gleason.jamila@dol.gov **09/1:21-ca-71374 Notice will not be electronically mailed to:** **08/1:21-ca-03540 Notice has been electronically mailed to:** Louise McGauley Betts betts.louise@dol.gov Brian Alan Broecker broecker.brian@dol.gov Edmund C. Baird baird.edmund@dol.gov Kris W. Kobach kkobach@gmail.com Jessica Hart Steinmann jsteinmann@americafirstpolicy.com Josh Campbell jcampbell@americafirstpolicy.com Rachel Jag rjag@americafirstpolicy.com Elena S. Goldstein Goldstein.Elena@dol.gov **08/1:21-ca-03540 Notice will not be electronically mailed to:** The following document(s) are associated with this transaction: **Document description:**Main Document **Original filename:**n/a **Electronic document Stamp:** [STAMP JPMLStamp_ID=1090522767 [Date=11/16/2021] [FileNumber=1090595-0] [0e5c3a3bb57998a12d7c3212271dcf1d419607959b738d59453927b125705aee272 03792bd4891f0986f05e96756925d35fddd939849e6af85b983222c769ee1]]

Record 1250

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ehoge@nd.gov
Subject	RE: Thank you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 6:14:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 6:14:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 6:14:00.000 PM

Body	You are most welcome, Emily. I am so grateful to be able to work with the dedicated professionals at the Crime Lab! Wayne **From:** Hoge, Emily <ehoge@nd.gov> **Sent:** Tuesday, November 16, 2021 5:47 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Quinn, Robyn <rquinn@nd.gov> **Subject:** Thank you Words cannot express how touched I am thinking about your advocacy and loyalty to our laboratory and its employees. Thank you for listening to our concerns, wanting to learn our current and future struggles, and successfully making changes to improve them. I am humbled and feel my work is much appreciated; and there is no other better feeling. I love my job and tonight I can go home loving it even more! Thank you again and again. **Emily Hoge** *Forensic Scientist* ND Office of Attorney General Crime Laboratory Division 2641 East Main Avenue Bismarck, ND 58502-0937 Tel. 701-328-6743 NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Record 1251

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ehoge@nd.gov
Subject	RE: Thank you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 6:14:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 6:14:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/16/2021 6:14:00.000 PM
Body	You are most welcome, Emily. I am so grateful to be able to work with the dedicated professionals at the Crime Lab! Wayne **From:** Hoge, Emily <ehoge@nd.gov> **Sent:** Tuesday, November 16, 2021 5:47 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Quinn, Robyn <rquinn@nd.gov> **Subject:** Thank you Words cannot express how touched I am thinking about your advocacy and loyalty to our laboratory and its employees. Thank you for listening to our concerns, wanting to learn our current and future struggles, and successfully making changes to improve them. I am humbled and feel my work is much appreciated; and there is no other better feeling. I love my job and tonight I can go home loving it even more! Thank you again and again. **Emily Hoge** *Forensic Scientist* ND Office of Attorney General Crime Laboratory Division 2641 East Main Avenue Bismarck, ND 58502-0937 Tel. 701-328-6743 NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Record 1252

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	David.Dewhirst@mt.gov
Subject	RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:50:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:50:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:50:00.000 AM
Body	

I agree with this approach.
Wayne Stenehjem
North Dakota

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Tuesday, November 16, 2021 10:50 PM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov
Cc: LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Corrigan, Christian <Christian.Corrigan@mt.gov>
Subject: RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Montana agrees with this approach. Drew, please let us know if we can assist in the drafting.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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# # #

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Tuesday, November 16, 2021 7:56 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel

Body	Troy <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri < Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James < james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov **Cc:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com> **Subject:** [EXTERNAL] OSHA Challenges - CA6 Request for Initial Hearing En Banc? Hi all, As you have all undoubtedly seen, the Sixth Circuit was chosen by lottery for all of our challenges to the OSHA mandate. Although this is hardly an original thought, our inclination was to seek initial hearing en banc for the stay motions and petitions for review. We could certainly be convinced otherwise, but that approach seems justified by the enormous importance of the case and by the interest in avoiding an aberrational panel draw. If other states broadly agree, we propose filing a joint motion on behalf of all interested states and all co-petitioners. We think that approach will both improve the chances of initial en banc hearing being granted, and avoid annoying the court with multiple separate filings. We are certainly not Sixth Circuit experts, so please take suggestion with that grain of salt. Happy to discuss this either by email exchange or on the call Thursday. We are definitely not wedded to the concept, but thought it at least merited some discussion within our group. As they say on Twitter, Happy Lottery Day! (I suspect we may have had a happier one than some others though.) Sincerely, Drew
CC	masagsve@nd.gov, tseibel@nd.gov

Record 1253

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	David.Dewhirst@mt.gov
Subject	RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:50:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:50:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:50:00.000 AM

Body

I agree with this approach.
Wayne Stenehjem
North Dakota

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Tuesday, November 16, 2021 10:50 PM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov
Cc: LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Corrigan, Christian <Christian.Corrigan@mt.gov>
Subject: RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

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Montana agrees with this approach. Drew, please let us know if we can assist in the drafting.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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# # #

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Tuesday, November 16, 2021 7:56 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel

Body	Troy <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri < Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James < james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov **Cc:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com> **Subject:** [EXTERNAL] OSHA Challenges - CA6 Request for Initial Hearing En Banc? Hi all, As you have all undoubtedly seen, the Sixth Circuit was chosen by lottery for all of our challenges to the OSHA mandate. Although this is hardly an original thought, our inclination was to seek initial hearing en banc for the stay motions and petitions for review. We could certainly be convinced otherwise, but that approach seems justified by the enormous importance of the case and by the interest in avoiding an aberrational panel draw. If other states broadly agree, we propose filing a joint motion on behalf of all interested states and all co-petitioners. We think that approach will both improve the chances of initial en banc hearing being granted, and avoid annoying the court with multiple separate filings. We are certainly not Sixth Circuit experts, so please take suggestion with that grain of salt. Happy to discuss this either by email exchange or on the call Thursday. We are definitely not wedded to the concept, but thought it at least merited some discussion within our group. As they say on Twitter, Happy Lottery Day! (I suspect we may have had a happier one than some others though.) Sincerely, Drew
CC	masagsve@nd.gov, tseibel@nd.gov

Record 1254

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Treats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:42:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:42:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:42:24.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211116_215433[16082].jpg

Record 1255

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Treats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:42:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:42:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:42:24.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211116_215433[12732].jpg

Record 1256

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Treats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:43:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:43:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:43:00.000 AM
Body	**From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211116_215433[16081].jpg

Record 1257

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Treats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:43:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:43:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:43:00.000 AM
Body	**From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211116_215433[12731].jpg

Record 1258

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aggrpcrimelab@nd.gov
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:51:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:51:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:51:00.000 AM
Body	Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211116_215433[16080].jpg

Record 1259

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aggrpcrimelab@nd.gov
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:51:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:51:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 9:51:00.000 AM
Body	Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211116_215433[12730].jpg

Record 1260

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:00.000 AM

Body	**From:** Portscheller, Janelle L. <jportscheller@nd.gov> **Sent:** Wednesday, November 17, 2021 10:16 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Please say thank you to Beth! Thank you as well! Janelle **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1261

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:00.000 AM
Body	**From:** Portscheller, Janelle L. <jportscheller@nd.gov> **Sent:** Wednesday, November 17, 2021 10:16 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Please say thank you to Beth! Thank you as well! Janelle **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1262

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jportscheller@nd.gov

Subject	RE: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:00.000 AM
Body	Will do! Wayne **From:** Portscheller, Janelle L. <jportscheller@nd.gov> **Sent:** Wednesday, November 17, 2021 10:16 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Please say thank you to Beth! Thank you as well! Janelle **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1263

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jportscheller@nd.gov
Subject	RE: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:23:00.000 AM

Body	Will do! Wayne **From:** Portscheller, Janelle L. <jportscheller@nd.gov> **Sent:** Wednesday, November 17, 2021 10:16 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Please say thank you to Beth! Thank you as well! Janelle **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1264

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:56:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:56:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:56:00.000 AM
Body	**From:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Sent:** Wednesday, November 17, 2021 10:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! She's the cutest! AND they are the BEST! Thank you both! Char **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1265

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov

Recipients	bethbakke@aol.com
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:56:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:56:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 10:56:00.000 AM
Body	**From:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Sent:** Wednesday, November 17, 2021 10:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! She's the cutest! AND they are the BEST! Thank you both! Char **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1266

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	FW: CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:23:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:23:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:23:00.000 AM

Body

Where are any of our state clients on this issue?

Wayne

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Wednesday, November 17, 2021 11:15 AM
To: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden@azag.gov; Drew.Ensign@azag.gov; Henry.Whitaker@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov
Cc: LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Smithgall, Katie <Kathleen.Smithgall@mt.gov>
Subject: RE: CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT

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Montana is pleased to join.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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# # #

From: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>
Sent: Tuesday, November 16, 2021 9:21 AM
To: cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden@azag.gov; Drew.Ensign@azag.gov; Henry.Whitaker@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <

Body	David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun < mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri < Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James < james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov **Cc:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov> **Subject:** [EXTERNAL] CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT Hi friends, Alabama plans to file an amicus brief in support of Arkansas as it challenges the district court's preliminary injunction enjoining enforcement of the state's "Save Adolescents from Experimentation (SAFE) Act." The Act generally prohibits healthcare professionals from using hormones and surgery to treat gender dysphoria in children. Our brief makes two main points. First, gender transition for minors is an area fraught with medical uncertainty that can lead to particularly tragic results. Here, the brief recounts a number of surveys of the medical literature by hospital systems in the UK, Finland, and Sweden that caused those countries to take a far more measured approach to treatment than the "gender-affirming care" model that the district court said the Constitution requires. Second, the brief contends that States have broad authority to regulate the medical profession, particularly in areas fraught with medical and scientific uncertainties such as this one. It also explains that the amici that the district court relied on—such as the American Medical Association and the American Academy of Pediatrics—are not the neutral arbiters of science they purport to be. We filed a similar brief in the district court in July, where we were joined by Alaska, Arizona, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, South Carolina, South Dakota, Tennessee, and Texas. That brief is also attached, as is the district court's preliminary injunction order and Arkansas's opening brief in the Eighth Circuit. The brief is due this Friday, so we are asking for sign-ons by **1 pm CT on Friday, November 19.** Apologies for the quick turnaround. Please let Eddie and me know if you have questions or suggestions. Thanks very much, Barrett Barrett Bowdre Deputy Solicitor General Office of the Attorney General State of Alabama 501 Washington Avenue Post Office Box 300152 Montgomery, AL 36130 334.353.8892 Office 334.353.8400 Fax Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.

Record 1267

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	FW: CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:23:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:23:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:23:00.000 AM

Body

Where are any of our state clients on this issue?

Wayne

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Wednesday, November 17, 2021 11:15 AM
To: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden@azag.gov; Drew.Ensign@azag.gov; Henry.Whitaker@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov
Cc: LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Smithgall, Katie <Kathleen.Smithgall@mt.gov>
Subject: RE: CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT

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Montana is pleased to join.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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# # #

From: Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>
Sent: Tuesday, November 16, 2021 9:21 AM
To: cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden@azag.gov; Drew.Ensign@azag.gov; Henry.Whitaker@myfloridalegal.com; Daniel.Bell@myfloridalegal.com; James.Percival@myfloridalegal.com; Jeffrey.DeSousa@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Kian.Hudson@atg.in.gov; Jeff.Chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <

Body	David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; May.Davis@ohioago.gov; Mansinghani, Mithun < mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; thomasHydrick@scag.gov; steven.blair@state.sd.us; Wald, Sherri < Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Stone, Judd <Judd.Stone@oag.texas.gov>; Grant.Dorfman@oag.texas.gov; Benjamin.Wilson@oag.texas.gov; melissaholyoak@agutah.gov; rcantrell@agutah.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Kaste, James < james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov **Cc:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov> **Subject:** [EXTERNAL] CA8 Am. br. ISO Arkansas's SAFE Act - joins due Fri., Nov. 19 by 1pm CT Hi friends, Alabama plans to file an amicus brief in support of Arkansas as it challenges the district court's preliminary injunction enjoining enforcement of the state's "Save Adolescents from Experimentation (SAFE) Act." The Act generally prohibits healthcare professionals from using hormones and surgery to treat gender dysphoria in children. Our brief makes two main points. First, gender transition for minors is an area fraught with medical uncertainty that can lead to particularly tragic results. Here, the brief recounts a number of surveys of the medical literature by hospital systems in the UK, Finland, and Sweden that caused those countries to take a far more measured approach to treatment than the "gender-affirming care" model that the district court said the Constitution requires. Second, the brief contends that States have broad authority to regulate the medical profession, particularly in areas fraught with medical and scientific uncertainties such as this one. It also explains that the amici that the district court relied on—such as the American Medical Association and the American Academy of Pediatrics—are not the neutral arbiters of science they purport to be. We filed a similar brief in the district court in July, where we were joined by Alaska, Arizona, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, South Carolina, South Dakota, Tennessee, and Texas. That brief is also attached, as is the district court's preliminary injunction order and Arkansas's opening brief in the Eighth Circuit. The brief is due this Friday, so we are asking for sign-ons by **1 pm CT on Friday, November 19.** Apologies for the quick turnaround. Please let Eddie and me know if you have questions or suggestions. Thanks very much, Barrett Barrett Bowdre Deputy Solicitor General Office of the Attorney General State of Alabama 501 Washington Avenue Post Office Box 300152 Montgomery, AL 36130 334.353.8892 Office 334.353.8400 Fax Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.

Record 1268

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, amjohnson@nd.gov, masagsve@nd.gov
Subject	FW: Lawsuits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:25:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:25:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:25:00.000 AM

Body	We need to find someone who can do a thumbnail explanation of each of these lawsuits for Rep. Magrum. [I'm not sure what "election integrity" issue he's talking about.] Wayne **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Wednesday, November 17, 2021 9:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Lawsuits Hi Wayne , Just checking in. I understand that we are in three lawsuits about the vaccine mandates with the federal government. Can you have someone send me a little explanation of each one so I can answer my constituents? Also, are you aware of a class action lawsuit by the states against the federal government about election integrity? I am interested in finding out more information about this important topic. Thanks Wayne, I pray that your day is blessed. Sincerely, Jeff Magrum

Record 1269

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, amjohnson@nd.gov, masagsve@nd.gov
Subject	FW: Lawsuits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:25:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:25:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:25:00.000 AM
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Record 1270

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmagrum@nd.gov
Subject	RE: Lawsuits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:28:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:28:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:28:00.000 AM

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CC	tseibel@nd.gov
BCC	masagsve@nd.gov

Record 1271

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmagrum@nd.gov
Subject	RE: Lawsuits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:28:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:28:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 11:28:00.000 AM
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CC	tseibel@nd.gov
BCC	masagsve@nd.gov

Record 1272

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:53:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:53:55.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:53:56.000 PM

Body

Got it, thanks!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, November 17, 2021 12:46:57 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

FYI

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, November 17, 2021 12:19 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>
Subject: RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

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All,

The Sixth Circuit coalition met, and we recommend not filing *yet*. The dispositive fact, for us, is that we're reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isn't going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside.

A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeye's petition.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Wednesday, November 17, 2021 9:32 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>
Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

I like the idea, but have a couple of thoughts.

Body	First: as I understand it (and I may be wrong), CA5's stay remains in place and it's up CA6 as to whether to lift it. I'd want to see whether CA6 lifted the stay before deciding whether to go en banc. If they leave it in place, there's 1) far less of a justification for going initially en banc in terms of reliance interests, and 2) basically no need. The feds play the strategic acceleration/slowdown game all the time; I don't think we need to accommodate their desire for haste if we keep the stay. If the stay went away—I'd agree entirely that we shouldn't leave ourselves to the vicissitudes of a bad panel draw when we're assured a good en banc. But perhaps we should let this play out a bit further before going that route. --- **From:** Murrill, Elizabeth <Murrille@ag.louisiana.gov> **Sent:** Wednesday, November 17, 2021 7:48 AM **To:** Ensign, Drew <Drew.Ensign@azag.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov <Benjamin.flowers@ohioattorneygeneral.gov>; May.Davis@ohioago.gov <May.Davis@ohioago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; **Sarah K. Campbell** <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; **Benjamin Wilson** <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; thomas.t.lampman@wyago.gov <thomas.t.lampman@wyago.gov>; Jessica.A.Lee@wyago.gov <Jessica.A.Lee@wyago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; **LaCour, Edmund** <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; **Vincent Wagner** <vincent.wagner@arkansasag.gov>; **Christopher Baum** <Christopher.Baum@myfloridalegal.com> **Subject:** Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc? Louisiana agrees too! Sent from my iPhone On Nov 16, 2021, at 8:55 PM, Ensign, Drew <Drew.Ensign@azag.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. Hi all, As you have all undoubtedly seen, the Sixth Circuit was chosen by lottery for all of our challenges to the OSHA mandate. Although this is hardly an original thought, our inclination was to seek initial hearing en banc for the stay motions and petitions for review. We could certainly be convinced otherwise, but that approach seems justified by the enormous importance of the case and by the interest in avoiding an aberrational panel draw. If other states broadly agree, we propose filing a joint motion on behalf of all interested states and all co-petitioners. We think that approach will both improve the chances of initial en banc hearing being granted, and avoid annoying the court with multiple separate filings. We are certainly not Sixth Circuit experts, so please take suggestion with that grain of salt. Happy to discuss this either by email exchange or on the call Thursday. We are definitely not wedded to the concept, but thought it at least merited some discussion within our group. As they say on Twitter, Happy Lottery Day! (I suspect we may have had a happier one than some others though.) Sincerely, Drew The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 1273

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc?
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:53:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:53:55.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:53:56.000 PM

Body

Got it, thanks!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, November 17, 2021 12:46:57 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

FYI

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Wednesday, November 17, 2021 12:19 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>
Subject: RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,

The Sixth Circuit coalition met, and we recommend not filing *yet*. The dispositive fact, for us, is that we're reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isn't going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside.

A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeye's petition.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Wednesday, November 17, 2021 9:32 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>
Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

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Campbell** <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; **Benjamin Wilson** <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; thomas.t.lampman@wyago.gov <thomas.t.lampman@wyago.gov>; Jessica.A.Lee@wyago.gov <Jessica.A.Lee@wyago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; **LaCour, Edmund** <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; **Vincent Wagner** <vincent.wagner@arkansasag.gov>; **Christopher Baum** <Christopher.Baum@myfloridalegal.com> **Subject:** Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc? Louisiana agrees too! 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It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 1274

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	Re: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:54:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:54:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:54:50.000 PM

Body	Ok, thanks for letting me know. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, November 17, 2021 12:37:08 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI Just an FYI. After further discussion Vance will not offer the number you and I talked about. I imagine it will be discussed at the November 29 meeting in closed session. Karlene

Record 1275

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	Re: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:54:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:54:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 12:54:50.000 PM
Body	Ok, thanks for letting me know. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, November 17, 2021 12:37:08 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI Just an FYI. After further discussion Vance will not offer the number you and I talked about. I imagine it will be discussed at the November 29 meeting in closed session. Karlene

Record 1276

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Lawsuits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 1:57:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 1:57:55.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 1:57:00.000 PM

Body	This is not an emergency. Give me a call when you are down with the IC Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 17, 2021 12:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Lawsuits Can Liz provide him with the complaints, petitions, or media releases? I don't have a press release for the OSHA Petition in my files. I will be getting back on the oil and gas hearing at 1. Otherwise I could try to provide something at the end of the day. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 11:28 AM **To:** Magrum, Jeffery <jmagrum@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Lawsuits Jeff, I will find someone here who will be able to do a thumbnail on each of these 3 lawsuits. As far as an election integrity class action lawsuit, can you be a little more specific? I'm not sure what you may be referring to. Thanks. Wayne **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Wednesday, November 17, 2021 9:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Lawsuits Hi Wayne , Just checking in. I understand that we are in three lawsuits about the vaccine mandates with the federal government. Can you have someone send me a little explanation of each one so I can answer my constituents? Also, are you aware of a class action lawsuit by the states against the federal government about election integrity? I am interested in finding out more information about this important topic. Thanks Wayne, I pray that your day is blessed. Sincerely, Jeff Magrum

Record 1277

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Lawsuits
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 1:57:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 1:57:55.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 1:57:00.000 PM

Body	This is not an emergency. Give me a call when you are down with the IC Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 17, 2021 12:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Lawsuits Can Liz provide him with the complaints, petitions, or media releases? I don't have a press release for the OSHA Petition in my files. I will be getting back on the oil and gas hearing at 1. Otherwise I could try to provide something at the end of the day. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 11:28 AM **To:** Magrum, Jeffery <jmagrum@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Lawsuits Jeff, I will find someone here who will be able to do a thumbnail on each of these 3 lawsuits. As far as an election integrity class action lawsuit, can you be a little more specific? I'm not sure what you may be referring to. Thanks. Wayne **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Wednesday, November 17, 2021 9:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Lawsuits Hi Wayne , Just checking in. I understand that we are in three lawsuits about the vaccine mandates with the federal government. Can you have someone send me a little explanation of each one so I can answer my constituents? Also, are you aware of a class action lawsuit by the states against the federal government about election integrity? I am interested in finding out more information about this important topic. Thanks Wayne, I pray that your day is blessed. Sincerely, Jeff Magrum

Record 1278

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ajaeger@nd.gov
Subject	FW: Supreme Court case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 2:17:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 2:17:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 2:17:00.000 PM

Body	Do you know anything about this purported lawsuit? Wayne **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Wednesday, November 17, 2021 2:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Supreme Court case **From:** Michelle Biegler <shellherald73@gmail.com> **Sent:** Tuesday, November 16, 2021 11:04 PM **To:** -Info-Attorney General <ndag@nd.gov> **Subject:** Supreme Court case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Attorney General Wayne Stenehjem, I Michelle L Biegler am from district 14 here in ND and I am wondering if you have signed on to the Supreme Court case that Mike Lindell and the other states Attorneys General have for voter fraud? I highly recommend that you do this for the people of ND. I have contacted all the legislators and get no where they see our state as the most secure voting system in the Nation or we don't have enough voter fraud here to matter. Have you spoken to Mike Lindell about his Case? I'm asking you now to protect our republic. Please stand for the people of North Dakota and protect our vote. All computers are hackable. We must have truth to our vote. Thank you for taking the time to read this I hope to hear from you soon. My prayers are with you, God bless and have a great night Michelle L Biegler

Record 1279

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ajaeger@nd.gov
Subject	FW: Supreme Court case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 2:17:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 2:17:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 2:17:00.000 PM
Body	Do you know anything about this purported lawsuit? Wayne **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Wednesday, November 17, 2021 2:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Supreme Court case **From:** Michelle Biegler <shellherald73@gmail.com> **Sent:** Tuesday, November 16, 2021 11:04 PM **To:** -Info-Attorney General <ndag@nd.gov> **Subject:** Supreme Court case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Attorney General Wayne Stenehjem, I Michelle L Biegler am from district 14 here in ND and I am wondering if you have signed on to the Supreme Court case that Mike Lindell and the other states Attorneys General have for voter fraud? I highly recommend that you do this for the people of ND. I have contacted all the legislators and get no where they see our state as the most secure voting system in the Nation or we don't have enough voter fraud here to matter. Have you spoken to Mike Lindell about his Case? I'm asking you now to protect our republic. Please stand for the people of North Dakota and protect our vote. All computers are hackable. We must have truth to our vote. Thank you for taking the time to read this I hope to hear from you soon. My prayers are with you, God bless and have a great night Michelle L Biegler

Record 1280

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	FW: Updated - STENEHJEM JOINS LAWSUIT TO HALT VACCINE MANDATE FOR FEDERAL CONTRACTORS.pdf

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:13:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:13:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:13:00.000 PM
Body	**From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 17, 2021 3:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Updated - STENEHJEM JOINS LAWSUIT TO HALT VACCINE MANDATE FOR FEDERAL CONTRACTORS.pdf **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, October 29, 2021 4:07 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Updated - STENEHJEM JOINS LAWSUIT TO HALT VACCINE MANDATE FOR FEDERAL CONTRACTORS.pdf Attached is a copy of the updated news release going out today. The updated release now includes a quote from Governor Burgum. Liz
Attachments	16079.pdf

Record 1281

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	FW: Updated - STENEHJEM JOINS LAWSUIT TO HALT VACCINE MANDATE FOR FEDERAL CONTRACTORS.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:13:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:13:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:13:00.000 PM
Body	**From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 17, 2021 3:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Updated - STENEHJEM JOINS LAWSUIT TO HALT VACCINE MANDATE FOR FEDERAL CONTRACTORS.pdf **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, October 29, 2021 4:07 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Updated - STENEHJEM JOINS LAWSUIT TO HALT VACCINE MANDATE FOR FEDERAL CONTRACTORS.pdf Attached is a copy of the updated news release going out today. The updated release now includes a quote from Governor Burgum. Liz
Attachments	12729.pdf

Record 1282

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	agibbs@nd.gov
Subject	RE: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:25:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:25:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:25:00.000 PM

Body	You are very, very welcome! Thanks for all you do. Wayne **From:** Gibbs, Alexandria M. <agibbs@nd.gov> **Sent:** Wednesday, November 17, 2021 2:55 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Thank you very much for the phenomenal raise and for the delicious treats (to you and your wife on that one – loved the photo) – greatly appreciated!! □□ Alexandria Gibbs Forensic Scientist – DNA Unit Alternate CODIS State Administrator ND Office of Attorney General Crime Laboratory Division 2641 East Main Avenue Bismarck, ND 58501 E-mail: agibbs@nd.gov Tel: (701) 328-6763 Fax: (701) 328-6185 Have a great day! NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1283

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	agibbs@nd.gov
Subject	RE: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:25:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:25:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:25:00.000 PM

Body	You are very, very welcome! Thanks for all you do. Wayne **From:** Gibbs, Alexandria M. <agibbs@nd.gov> **Sent:** Wednesday, November 17, 2021 2:55 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Thank you very much for the phenomenal raise and for the delicious treats (to you and your wife on that one – loved the photo) – greatly appreciated!! □□ Alexandria Gibbs Forensic Scientist – DNA Unit Alternate CODIS State Administrator ND Office of Attorney General Crime Laboratory Division 2641 East Main Avenue Bismarck, ND 58501 E-mail: agibbs@nd.gov Tel: (701) 328-6763 Fax: (701) 328-6185 Have a great day! NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1284

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddailey@nd.gov
Subject	RE: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:48:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:48:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:48:00.000 PM

Body	Thank you so very much for such a nice message, Deanna! You made my day! Wayne **From:** Dailey, Deanna <ddailey@nd.gov> **Sent:** Wednesday, November 17, 2021 1:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Your wife is lovely (not to mention a good sport). Please pass along my sincere "thank you" for the bars – they were worth cheating on my diet for □□ Thank you, Wayne, for the salary adjustment. I am so honored to be working with the lab staff. I likely wouldn't be here if not for my working for your office initially, which I also really enjoyed. Funny how life works sometimes, isn't it? I thought I'd never recover after being RIF'd from the NDUS office but I honestly couldn't be happier than I am right now. I'm learning a lot out here but mostly, I'm learning that I should have paid more attention to science when I was in school. I know that I am a very small part of the day-to-day operation of the crime lab, but I do take my job seriously and I am very proud to be here. My workload has gone from "zero-sixty" in the past four years and I'm trying hard to keep up. I do appreciate the fact that my efforts are recognized - I won't let you or the rest of the crew down! Thanks again, Deanna **Deanna Dailey** **Administrative Assistant** **ND Office of Attorney General** **Crime Laboratory Division** **2641 East Main Avenue** **Bismarck ND 58501** **701.328.6159** **ddailey@nd.gov** ***NOTE**: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests.* *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* ***CONFIDENTIALITY NOTICE**: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	image001[12458].jpg, image002[12459].jpg

Record 1285

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddailey@nd.gov
Subject	RE: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:48:55.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:48:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:48:00.000 PM

Body	Thank you so very much for such a nice message, Deanna! You made my day! Wayne **From:** Dailey, Deanna <ddailey@nd.gov> **Sent:** Wednesday, November 17, 2021 1:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Your wife is lovely (not to mention a good sport). Please pass along my sincere "thank you" for the bars – they were worth cheating on my diet for □□ Thank you, Wayne, for the salary adjustment. I am so honored to be working with the lab staff. I likely wouldn't be here if not for my working for your office initially, which I also really enjoyed. Funny how life works sometimes, isn't it? I thought I'd never recover after being RIF'd from the NDUS office but I honestly couldn't be happier than I am right now. I'm learning a lot out here but mostly, I'm learning that I should have paid more attention to science when I was in school. I know that I am a very small part of the day-to-day operation of the crime lab, but I do take my job seriously and I am very proud to be here. My workload has gone from "zero-sixty" in the past four years and I'm trying hard to keep up. I do appreciate the fact that my efforts are recognized - I won't let you or the rest of the crew down! Thanks again, Deanna **Deanna Dailey** **Administrative Assistant** **ND Office of Attorney General** **Crime Laboratory Division** **2641 East Main Avenue** **Bismarck ND 58501** **701.328.6159** **ddailey@nd.gov** ***NOTE**: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests.* *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* ***CONFIDENTIALITY NOTICE**: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	image001[8999].jpg, image002[9000].jpg

Record 1286

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:49:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:49:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:49:00.000 PM

Body	**From:** Dailey, Deanna <ddailey@nd.gov> **Sent:** Wednesday, November 17, 2021 1:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Your wife is lovely (not to mention a good sport). Please pass along my sincere "thank you" for the bars – they were worth cheating on my diet for □□ Thank you, Wayne, for the salary adjustment. I am so honored to be working with the lab staff. I likely wouldn't be here if not for my working for your office initially, which I also really enjoyed. Funny how life works sometimes, isn't it? I thought I'd never recover after being RIF'd from the NDUS office but I honestly couldn't be happier than I am right now. I'm learning a lot out here but mostly, I'm learning that I should have paid more attention to science when I was in school. I know that I am a very small part of the day-to-day operation of the crime lab, but I do take my job seriously and I am very proud to be here. My workload has gone from "zero-sixty" in the past four years and I'm trying hard to keep up. I do appreciate the fact that my efforts are recognized - I won't let you or the rest of the crew down! Thanks again, Deanna **Deanna Dailey** **Administrative Assistant** **ND Office of Attorney General** **Crime Laboratory Division** **2641 East Main Avenue** **Bismarck ND 58501** **701.328.6159** **ddailey@nd.gov** ***NOTE**: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests.* *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* ***CONFIDENTIALITY NOTICE**: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	image001[12456].jpg, image003[12457].jpg

Record 1287

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Treats on their way!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:49:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:49:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:49:00.000 PM

Body	**From:** Dailey, Deanna <ddailey@nd.gov> **Sent:** Wednesday, November 17, 2021 1:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Treats on their way!! Your wife is lovely (not to mention a good sport). Please pass along my sincere "thank you" for the bars – they were worth cheating on my diet for □□ Thank you, Wayne, for the salary adjustment. I am so honored to be working with the lab staff. I likely wouldn't be here if not for my working for your office initially, which I also really enjoyed. Funny how life works sometimes, isn't it? I thought I'd never recover after being RIF'd from the NDUS office but I honestly couldn't be happier than I am right now. I'm learning a lot out here but mostly, I'm learning that I should have paid more attention to science when I was in school. I know that I am a very small part of the day-to-day operation of the crime lab, but I do take my job seriously and I am very proud to be here. My workload has gone from "zero-sixty" in the past four years and I'm trying hard to keep up. I do appreciate the fact that my efforts are recognized - I won't let you or the rest of the crew down! Thanks again, Deanna **Deanna Dailey** **Administrative Assistant** **ND Office of Attorney General** **Crime Laboratory Division** **2641 East Main Avenue** **Bismarck ND 58501** **701.328.6159** **ddailey@nd.gov** ***NOTE**: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests.* *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* ***CONFIDENTIALITY NOTICE**: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:51 AM **To:** -Grp-AG Crime Lab <aggrpcrimelab@nd.gov> **Subject:** FW: Treats on their way!! Wayne **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 17, 2021 9:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Treats Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	image001[8997].jpg, image003[8998].jpg

Record 1288

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Re: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:52:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:52:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:52:00.000 PM

Body

I

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Monday, November 15, 2021 5:31:21 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Brocker, Liz <lbrocker@nd.gov>
Subject: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL

I am uncertain of the necessity of a Press Release at this juncture and I defer to you. However, if later asked about the media we would confirm our participation in the investigation.

Parrell

From: Cable, Sara (AGO) <sara.cable@state.ma.us>
Sent: Monday, November 15, 2021 4:10 PM
To: chris.howell@alabamaAG.gov; olivia.martin@AlabamaAG.gov; zack.wilson@alabamaAG.gov; tina.hammonds@alabamaAG.gov; jessica.tubbs@alabamaAG.gov; john.haley@alaska.gov; ian.engelbeck@alaska.gov; joshua.whitaker@azag.gov; matthew.dumee@azag.gov; david.mccoy@arkansasag.gov; amanda.land@arkansasag.gov; chelsea.kelleher@coag.gov; abigail.hinchcliff@coag.gov; michele.lucan@ct.gov; kim.mcgee@ct.gov; michael.martone@ct.gov; marion.quirk@delaware.gov; katherine.devanney@delaware.gov; Wiseman, Benjamin (OAG) <Benjamin.Wiseman@dc.gov>; mdevine@law.ga.gov; ainfinger@law.ga.gov; ltong@dcca.hawaii.gov; rtolenti@dccca.hawaii.gov; shantel.knowlton@ag.idaho.gov; brett.delange@ag.idaho.gov; daniel.edelstein@ilag.gov; ronak.shah@ilag.gov; adam.sokol@ilag.gov; greg.grzeskiewicz@ilag.gov; elizabeth.blackston@ilag.gov; andrew.dougherty@ilag.gov; cassandra.halm@ilag.gov; scott.barnhart@atg.in.gov; corinne.gilchrist@atg.in.gov; christa.kumming@atg.in.gov; erica.sullivan@atg.in.gov; steven.taterka@atg.in.gov; Mark.Snodgrass@atg.in.gov; william.pearson@ag.iowa.gov; jessica.whitney@ag.iowa.gov; bryce.pashler@ag.iowa.gov; sarah.dietz@ag.ks.gov; fran.oleen@ag.ks.gov; mughalA@ag.louisiana.gov; StyronL@ag.louisiana.gov; brendan.oneil@maine.gov; linda.conti@maine.gov; Calia, Lauren <lcalia@oag.state.md.us>; pziperman@oag.state.md.us; pingd@michigan.gov; MertenS@michigan.gov; james.vanbuskirk@ag.state.mn.us; jason.pleggenkuhle@ag.state.mn.us; matthew.camp@ago.ms.gov; crystal.utley@ago.ms.gov; michelle.williams@ago.ms.gov; stephen.hoeplinger@ago.mo.gov; michael.schwalbert@ago.mo.gov; mmatticoli@mt.gov; rebekah.french@mt.gov; Bekola@mt.gov; wdigesti@ag.nv.gov; rfulghum@ag.nv.gov; kevin.p.j.scura@doj.nh.gov; john.w.garrigan@doj.nh.gov; mary.kenah@law.njoag.gov; bmcmath@nmag.gov; ckhoury@nmag.gov; swheaton@nmag.gov; clark.russell@ag.ny.gov; kim.berger@ag.ny.gov; nathaniel.kosslyn@ag.ny.gov; johanna.doreson@ag.ny.gov; Wilkes, Daniel <dwilkes@ncdoj.gov>; kdarruda@ncdoj.gov; Card, Brian M. <bmcard@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov>; timothy.effler@ohioAGO.gov; michael.ziegler@OhioAGO.gov; caleb.smith@oag.ok.gov; cari.kelso@oag.ok.gov; katherine.campbell@doj.state.or.us; kelly.harpster@doj.state.or.us; jburns@attorneygeneral.gov; jabel@attorneygeneral.gov; eschaub@riag.ri.gov; sprovazza@riag.ri.gov; annasmith@scag.gov; jlibet@scag.gov; yvette.lafrentz@state.sd.us; jeffery.tronvold@state.sd.us; jody.gillaspie@state.sd.us; Abernethy, Patrick <patrick.abernethy@oag.texas.gov>; Schuelke, Brad <brad.schuelke@oag.texas.gov>; steven.robinson@oag.texas.gov; kmclean@agutah.gov; tmelton@agutah.gov; jgotwals@oag.state.va.us; mkubiak@oag.state.va.us; joe.kanada@atg.wa.gov; seann.colgan@atg.wa.gov; andrea.alegrett@atg.wa.gov; laurel.k.lackey@wvago.gov; abby.g.cunningham@wvago.gov; harlowrd@doj.state.wi.us; mcfarlanele@doj.state.wi.us; amy.pauli@wyo.gov; kit.wendtland@wyo.gov; ag@oagguam.org; fnishihira@oagguam.org
Cc: nicklas.akers@doj.ca.gov; stacey.schesser@doj.ca.gov; bernard.eskandari@doj.ca.gov; patrice.malloy@myfloridalegal.com; carina.bergal@myfloridalegal.com; miles.vaughn@myfloridalegal.com; victoria.butler@myfloridalegal.com; Patrick Crotty <Patrick.Crotty@myfloridalegal.com>; Eshghi, Abrisham (AGO) <abrisham.eshghi@state.ma.us>; phil.carlson@nebraska.gov; Lutz, Michaela <michaela.lutz@nebraska.gov>; kashif.chand@law.njoag.gov; mayur.saxena@law.njoag.gov; cody.valdez@law.njoag.gov; thomas.huynh@law.njoag.gov; gina.pittore@law.njoag.gov; zach.richards@ky.gov; christian.lewis@ky.gov; paul.fata@ky.gov; philip.heleringer@ky.gov; maggie.siller@ag.tn.gov; Jeff.Hill@ag.tn.gov; jenna.pascale@ag.tn.gov; chris.dunbar@ag.tn.gov; Ryan.Kriger@vermont.gov; Christopher.Curtis@vermont.gov
Subject: FW: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL
Importance: High

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Confidential under Common Interest Agreement

UNDER PRESS EMBARGO

Dear Social Media Platform Multistate Investigation Working Group:

As discussed during our last working group call on November 5th, the AG Steering Committee (AsG of NE, VT, MA, CA, TN, FL, NJ, and KY) authorized the commencement of this investigation, and asked that staff of the lead states kick it off with a CID from each of their offices to Meta (f/k/a Facebook) investigating potential state consumer protection act claims relating to Meta's promotion and operation of Instagram to younger users. A draft of that CID is currently under review for final approval by the Steering Committee. We expect to issue that CID at some point later this week and we will update the group once we have done so.

In addition, the AG Steering Committee determined to make a brief press announcement about the investigation. The press teams of MA and NE have prepared a template press announcement, which is below. As you can see, it was just circulated to the press personnel in each of your offices. My understanding is that it is up to each state whether to issue any press statement on this, but that this template is the preferred messaging should a state decide to do so. ***This announcement is embargoed until further notice. We anticipate the embargo will be lifted late this week. We will keep you posted.***

Please let either Phil Carlson, Chris Curtis, or myself know of any major problems that you are not able to work out through your own press persons.

Thank you everyone,

Body	Sara **From:** Fennimore, Jillian (AGO) <jillian.fennimore@mass.gov> **Sent:** Monday, November 15, 2021 4:04 PM **To:** Cable, Sara (AGO) <sara.cable@mass.gov> **Subject:** FW: EMBARGOED draft--CONFIDENTIAL **Importance:** High Go for it. **From:** Gage, Suzanne <suzanne.gage@nebraska.gov> **Sent:** Monday, November 15, 2021 3:58 PM **To:** Mike.Lewis@AlabamaAG.gov; aaron.sadler@alaska.gov; Ryan.Anderson@azag.gov; Amanda.Priest@arkansasag.gov; Bethany.Lesser@doj.ca.gov; lawrence.pacheco@coag.gov; elizabeth.benton@ct.gov; Abigail.McDonough@dc.gov; Mat.Marshall@Delaware.gov; whitney.ray@myfloridalegal.com; kmrichardson@law.ga.gov; gary.h.yamashiroya@hawaii.gov; scott.graf@ag.idaho.gov; Patricia.Thompson@ilag.gov; lydia.blaha@atg.in.gov; lynn.hicks@ag.iowa.gov; clint.blaes@ag.ks.gov; Elizabeth.Kuhn@ky.gov; mulem@ag.louisiana.gov; marc.malon@maine.gov; rcoombs@oag.state.md.us; MukomelL@michigan.gov; susannah.williams@ago.ms.gov; marianna.deal@ago.mo.gov; Kyler.Nerison@mt.gov; **Gage, Suzanne** <suzanne.gage@nebraska.gov>; jsadler@ag.ny.gov; jane.e.young@doj.nh.gov; Steven.Barnes@njoag.gov; mbaca@nmag.gov; Delaney.Kemper@ag.ny.gov; Fabien.Levy@ag.ny.gov; lbrocker@nd.gov; Bethany.McCorkle@OhioAttorneyGeneral.gov; emma.sherry@oag.ok.gov; kristina.edmunson@doj.state.or.us ; jrhoads@attorneygeneral.gov; mstieber@attorneygeneral.gov; kdosreis@riag.ri.gov; RKittle@scag.gov; Tim.Bormann@state.sd.us; Samantha.Fisher@ag.tn.gov; Alejandro.Garcia@oag.texas.gov; rpiatt@agutah.gov; Charity.Clark@vermont.gov; Lauren.Jandl@vermont.gov; CGomer@oag.state.va.us; BrionnaF@ATG.WA.GOV; Brian.K.O'Neel@wvago.gov; mary.a.stortstrom@wvago.gov; drummondgl@doj.state.wi.us; judy.mitchell@wyo.gov **Cc:** Fennimore, Jillian (AGO) <jillian.fennimore@mass.gov>; **Buell, Heather** <heather.buell@nebraska.gov> **Subject:** EMBARGOED draft--CONFIDENTIAL **Importance:** High CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe. **Dear Friends:** You are receiving this communication because your AG is a part of the upcoming SMP announcement. Below are helpful guidelines for limited messaging following the announcement. The guidelines are followed by a draft Swiss cheese release intended for future announcement following CIDs being issued. You will see we have chosen to NOT name/number AGs/states but to refer to "*Attorneys General across the country*". At this point, we are anticipating later this week but *will keep you posted.* Thank you to Jillian and her team for much of the lift in getting us to this point. Suzanne Gage Director of Communications Nebraska Attorney General Office: 402.471.2656 Mobile: 402.560.3518 Suzanne.gage@nebraska.gov **Public messaging guidance:** • **Do not** disclose the issuance of the CIDs or specific details of the CIDs; **do not** provide the CIDs to members of the media. • At this stage we are investigating, not enforcing any laws or alleging any violations. • Please decline to comment substantively beyond this announcement as this is an ongoing and active investigation. • Only speak to/confirm your own state's involvement. ** EMBARGOED UNTIL XXXX**** **AG XXXX JOINS NATIONWIDE INVESTIGATION INTO INSTAGRAM'S IMPACT ON YOUNG PEOPLE** *Attorneys General Concerned for Safety and Well-Being of Children; Examining Potential Violations of Consumer Protection Laws* **XXXX** – Attorney General XXXX today joined a nationwide investigation into Meta Platforms, Inc., formerly known as Facebook, for providing and promoting its social media platform – Instagram – to children and young adults despite knowing that such use is associated with physical and mental health harms. Attorneys General across the country are examining whether the company violated state consumer protection laws and put the public at risk. **AG QUOTE** The investigation targets, among other things, the techniques utilized by Meta to increase the frequency and duration of engagement by young users and the resulting harms caused by such extended engagement. Today's announcement follows recent reports revealing that Meta's own internal research shows that using Instagram is associated with increased risks of physical and mental health harms on young people, including depression, eating disorders, and even suicide. AG XXXX has long been concerned about the negative impacts of social media platforms on [YOUR STATE]'s youngest residents. In May, a bipartisan coalition of 44 attorneys general urged Facebook to abandon its plans to launch a version of Instagram for children under the age of 13. ###
CC	lbrocker@nd.gov

Record 1289

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@nd.gov
Subject	Re: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:52:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:52:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 3:52:00.000 PM

Body

I

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Monday, November 15, 2021 5:31:21 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Brocker, Liz <lbrocker@nd.gov>
Subject: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL

I am uncertain of the necessity of a Press Release at this juncture and I defer to you. However, if later asked about the media we would confirm our participation in the investigation.

Parrell

From: Cable, Sara (AGO) <sara.cable@state.ma.us>
Sent: Monday, November 15, 2021 4:10 PM
To: chris.howell@alabamaAG.gov; olivia.martin@AlabamaAG.gov; zack.wilson@alabamaAG.gov; tina.hammonds@alabamaAG.gov; jessica.tubbs@alabamaAG.gov; john.haley@alaska.gov; ian.engelbeck@alaska.gov; joshua.whitaker@azag.gov; matthew.dumee@azag.gov; david.mccoy@arkansasag.gov; amanda.land@arkansasag.gov; chelsea.kelleher@coag.gov; abigail.hinchcliff@coag.gov; michele.lucan@ct.gov; kim.mcgee@ct.gov; michael.martone@ct.gov; marion.quirk@delaware.gov; katherine.devanney@delaware.gov; Wiseman, Benjamin (OAG) <Benjamin.Wiseman@dc.gov>; mdevine@law.ga.gov; ainfinger@law.ga.gov; ltong@dcca.hawaii.gov; rtolenti@dccca.hawaii.gov; shantel.knowlton@ag.idaho.gov; brett.delange@ag.idaho.gov; daniel.edelstein@ilag.gov; ronak.shah@ilag.gov; adam.sokol@ilag.gov; greg.grzeskiewicz@ilag.gov; elizabeth.blackston@ilag.gov; andrew.dougherty@ilag.gov; cassandra.halm@ilag.gov; scott.barnhart@atg.in.gov; corinne.gilchrist@atg.in.gov; christa.kumming@atg.in.gov; erica.sullivan@atg.in.gov; steven.taterka@atg.in.gov; Mark.Snodgrass@atg.in.gov; william.pearson@ag.iowa.gov; jessica.whitney@ag.iowa.gov; bryce.pashler@ag.iowa.gov; sarah.dietz@ag.ks.gov; fran.oleen@ag.ks.gov; mughalA@ag.louisiana.gov; StyronL@ag.louisiana.gov; brendan.oneil@maine.gov; linda.conti@maine.gov; Calia, Lauren <lcalia@oag.state.md.us>; pziperman@oag.state.md.us; pingd@michigan.gov; MertenS@michigan.gov; james.vanbuskirk@ag.state.mn.us; jason.pleggenkuhle@ag.state.mn.us; matthew.camp@ago.ms.gov; crystal.utley@ago.ms.gov; michelle.williams@ago.ms.gov; stephen.hoeplinger@ago.mo.gov; michael.schwalbert@ago.mo.gov; mmatticoli@mt.gov; rebekah.french@mt.gov; Bekola@mt.gov; wdigesti@ag.nv.gov; rfulghum@ag.nv.gov; kevin.p.j.scura@doj.nh.gov; john.w.garrigan@doj.nh.gov; mary.kenah@law.njoag.gov; bmenath@nmag.gov; ckhoury@nmag.gov; swheaton@nmag.gov; clark.russell@ag.ny.gov; kim.berger@ag.ny.gov; nathaniel.kosslyn@ag.ny.gov; johanna.doreson@ag.ny.gov; Wilkes, Daniel <dwilkes@ncdoj.gov>; kdarruda@ncdoj.gov; Card, Brian M. <bmcard@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov>; timothy.effler@ohioAGO.gov; michael.ziegler@OhioAGO.gov; caleb.smith@oag.ok.gov; cari.kelso@oag.ok.gov; katherine.campbell@doj.state.or.us; kelly.harpster@doj.state.or.us; jburns@attorneygeneral.gov; jabel@attorneygeneral.gov; eschaub@riag.ri.gov; sprovazza@riag.ri.gov; annasmith@scag.gov; jlibet@scag.gov; yvette.lafrentz@state.sd.us; jeffery.tronvold@state.sd.us; jody.gillaspie@state.sd.us; Abernethy, Patrick <patrick.abernethy@oag.texas.gov>; Schuelke, Brad <brad.schuelke@oag.texas.gov>; steven.robinson@oag.texas.gov; kmclean@agutah.gov; tmelton@agutah.gov; jgotwals@oag.state.va.us; mkubiak@oag.state.va.us; joe.kanada@atg.wa.gov; seann.colgan@atg.wa.gov; andrea.alegrett@atg.wa.gov; laurel.k.lackey@wvago.gov; abby.g.cunningham@wvago.gov; harlowrd@doj.state.wi.us; mcfarlanele@doj.state.wi.us; amy.pauli@wyo.gov; kit.wendtland@wyo.gov; ag@oagguam.org; fnishihira@oagguam.org
Cc: nicklas.akers@doj.ca.gov; stacey.schesser@doj.ca.gov; bernard.eskandari@doj.ca.gov; patrice.malloy@myfloridalegal.com; carina.bergal@myfloridalegal.com; miles.vaughn@myfloridalegal.com; victoria.butler@myfloridalegal.com; Patrick Crotty <Patrick.Crotty@myfloridalegal.com>; Eshghi, Abrisham (AGO) <abrisham.eshghi@state.ma.us>; phil.carlson@nebraska.gov; Lutz, Michaela <michaela.lutz@nebraska.gov>; kashif.chand@law.njoag.gov; mayur.saxena@law.njoag.gov; cody.valdez@law.njoag.gov; thomas.huynh@law.njoag.gov; gina.pittore@law.njoag.gov; zach.richards@ky.gov; christian.lewis@ky.gov; paul.fata@ky.gov; philip.heleringer@ky.gov; maggie.siller@ag.tn.gov; Jeff.Hill@ag.tn.gov; jenna.pascale@ag.tn.gov; chris.dunbar@ag.tn.gov; Ryan.Kriger@vermont.gov; Christopher.Curtis@vermont.gov
Subject: FW: Social Media Platforms investigation -- EMBARGOED and CONFIDENTIAL
Importance: High

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UNDER PRESS EMBARGO

Dear Social Media Platform Multistate Investigation Working Group:

As discussed during our last working group call on November 5th, the AG Steering Committee (AsG of NE, VT, MA, CA, TN, FL, NJ, and KY) authorized the commencement of this investigation, and asked that staff of the lead states kick it off with a CID from each of their offices to Meta (f/k/a Facebook) investigating potential state consumer protection act claims relating to Meta's promotion and operation of Instagram to younger users. A draft of that CID is currently under review for final approval by the Steering Committee. We expect to issue that CID at some point later this week and we will update the group once we have done so.

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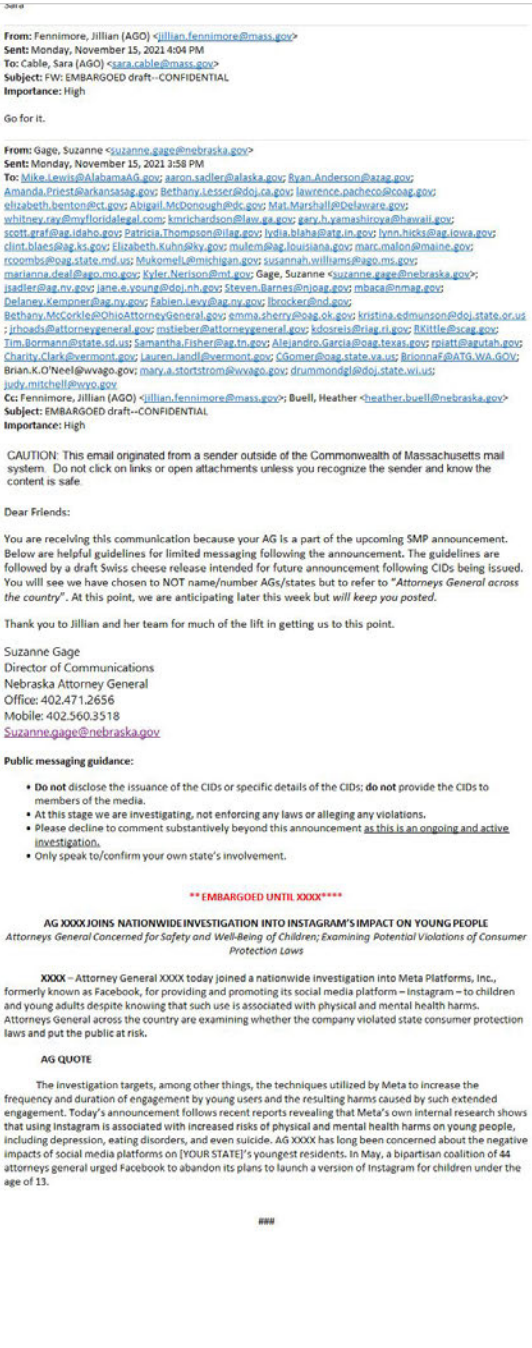
Please let either Phil Carlson, Chris Curtis, or myself know of any major problems that you are not able to work out through your own press persons.

Thank you everyone,

Body	
CC	lbrocker@nd.gov

From: Fennimore, Jillian (AGO) <jillian.fennimore@mass.gov>
Sent: Monday, November 15, 2021 4:04 PM
To: Cable, Sara (AGO) <sara.cable@mass.gov>
Subject: FW: EMBARGOED draft--CONFIDENTIAL
Importance: High

Go for it.

From: Gage, Suzanne <suzanne.gage@nebraska.gov>
Sent: Monday, November 15, 2021 3:58 PM
To: Mike.Lewis@AlabamaAG.gov; aaron.sadler@alaska.gov; Ryan.Anderson@azag.gov; Amanda.Priest@arkansasag.gov; Bethany.Lesser@doj.ca.gov; lawrence.pacheco@coag.gov; elizabeth.benton@ct.gov; Abigail.McDonough@dc.gov; Mat.Marshall@Delaware.gov; whitney.ray@myfloridalegal.com; kmrichardson@law.ga.gov; gary.h.yamashiroya@hawaii.gov; scott.graf@ag.idaho.gov; Patricia.Thompson@ilag.gov; lydia.blaha@atg.in.gov; lynn.hicks@ag.iowa.gov; clint.blaes@ag.ks.gov; Elizabeth.Kuhn@ky.gov; mulem@ag.louisiana.gov; marc.malon@maine.gov; rcoombs@oag.state.md.us; MukomelL@michigan.gov; susannah.williams@ago.ms.gov; marianna.deal@ago.mo.gov; Kyler.Nerison@mt.gov; Gage, Suzanne <suzanne.gage@nebraska.gov>; jsadler@ag.nv.gov; jane.e.young@doj.nh.gov; Steven.Barnes@njoag.gov; mbaca@nmag.gov; Delaney.Kemper@ag.ny.gov; Fabien.Levy@ag.ny.gov; lbrocker@nd.gov; Bethany.McCorkle@OhioAttorneyGeneral.gov; emma.sherry@oag.ok.gov; kristina.edmunson@doj.state.or.us; jrhoads@attorneygeneral.gov; mstieber@attorneygeneral.gov; kdosreis@riag.ri.gov; RKittle@scag.gov; Tim.Bormann@state.sd.us; Samantha.Fisher@ag.tn.gov; Alejandro.Garcia@oag.texas.gov; rpiatt@agutah.gov; Charity.Clark@vermont.gov; Lauren.Jandl@vermont.gov; CGomer@oag.state.va.us; BrionnaF@ATG.WA.GOV; Brian.K.O'Neel@wvago.gov; mary.a.stortstrom@wvago.gov; drummondgl@doj.state.wi.us; judy.mitchell@wyo.gov
Cc: Fennimore, Jillian (AGO) <jillian.fennimore@mass.gov>; Buell, Heather <heather.buell@nebraska.gov>
Subject: EMBARGOED draft--CONFIDENTIAL
Importance: High

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Friends:

You are receiving this communication because your AG is a part of the upcoming SMP announcement. Below are helpful guidelines for limited messaging following the announcement. The guidelines are followed by a draft Swiss cheese release intended for future announcement following CIDs being issued. You will see we have chosen to NOT name/number AGs/states but to refer to "*Attorneys General across the country*". At this point, we are anticipating later this week but *will keep you posted.*

Thank you to Jillian and her team for much of the lift in getting us to this point.

Suzanne Gage
Director of Communications
Nebraska Attorney General
Office: 402.471.2656
Mobile: 402.560.3518
Suzanne.gage@nebraska.gov

Public messaging guidance:

- **Do not** disclose the issuance of the CIDs or specific details of the CIDs; **do not** provide the CIDs to members of the media.
- At this stage we are investigating, not enforcing any laws or alleging any violations.
- Please decline to comment substantively beyond this announcement as this is an ongoing and active investigation.
- Only speak to/confirm your own state's involvement.

** EMBARGOED UNTIL XXXX****

AG XXXX JOINS NATIONWIDE INVESTIGATION INTO INSTAGRAM'S IMPACT ON YOUNG PEOPLE
Attorneys General Concerned for Safety and Well-Being of Children; Examining Potential Violations of Consumer Protection Laws

XXXX – Attorney General XXXX today joined a nationwide investigation into Meta Platforms, Inc., formerly known as Facebook, for providing and promoting its social media platform – Instagram – to children and young adults despite knowing that such use is associated with physical and mental health harms. Attorneys General across the country are examining whether the company violated state consumer protection laws and put the public at risk.

AG QUOTE

The investigation targets, among other things, the techniques utilized by Meta to increase the frequency and duration of engagement by young users and the resulting harms caused by such extended engagement. Today's announcement follows recent reports revealing that Meta's own internal research shows that using Instagram is associated with increased risks of physical and mental health harms on young people, including depression, eating disorders, and even suicide. AG XXXX has long been concerned about the negative impacts of social media platforms on [YOUR STATE]'s youngest residents. In May, a bipartisan coalition of 44 attorneys general urged Facebook to abandon its plans to launch a version of Instagram for children under the age of 13.

###

Record 1290

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jclay@csg.org
Subject	RE: CSG National Conference Leaders Briefing: Monday, Nov. 22, 2 p.m. EST
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:58:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:58:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:58:00.000 PM

Body	Thank you, and the members of the task force for all the effort you've put in on this strategic plan. I regret my schedule will not permit me to be able to attend the Nov. 22 meeting, but I look forward to discussing this in Santa Fe. Wayne Stenehjem Attorney General of ND **From:** Jessica Clay <jclay@csg.org> **Sent:** Wednesday, November 17, 2021 5:47 PM **To:** Jessica Clay <jclay@csg.org> **Subject:** CSG National Conference Leaders Briefing: Monday, Nov. 22, 2 p.m. EST **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Friends, I am excited to share with you and the other members of the CSG Leadership Council and Executive Committee an advance copy of the proposed three-year strategic plan for The Council of State Governments. Under the leadership of the 2020 and 2021 National Chair, Wisconsin Senator Joan Ballweg, and with the active engagement of the members of the Strategic Planning Task Force, a number of new, ambitious objectives were crafted with the goal of moving CSG forward. Since 1933, CSG has evolved to meet the changing needs of state officials. In this time of transition and transformation, when so much is changing, CSG must also change. But for nearly 90 years, our values have remained unchanged. This plan reaffirms our commitment to those values and sets CSG on a path for even greater success. I commend the members of the task force for both the quality of their work and the inclusive process they used in creating the plan. The plan represents the collective thinking of a broad cross section of state officials. At the upcoming CSG National Conference in Santa Fe, New Mexico, on Dec. 1-4, Chair Ballweg will present the strategic plan to the CSG Leadership Council and Executive Committee for approval. I wanted to make sure you had a chance to review an advance copy. Chair Ballweg also asked that I invite you to learn more about the plan and get your questions answered before we convene in Santa Fe. To that end, we have scheduled a briefing for you and other CSG leaders on Monday, November 22, at 2 p.m. EST via Zoom. (https://csg-org.zoom.us/j/84973785161?pwd=eTFpOXdVbERYN1Voci9tV3plVkdPUT09). This information will also be sent in a Microsoft Outlook invitation. Please let us know if you plan to attend by emailing a response to Jessica Clay at jclay@csg.org. Your feedback is important to us, and we welcome hearing from you even if you can't attend the Zoom briefing. Thank you for your leadership and your support of CSG. I value your role in the governance of our organization. With your help and guidance, I am confident the best days for CSG are yet to come. All the best, David Adkins CSG Executive Director/CEO

Record 1291

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jclay@csg.org
Subject	RE: CSG National Conference Leaders Briefing: Monday, Nov. 22, 2 p.m. EST
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/17/2021 6:58:02.000 PM
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Record 1292

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tkporter@nd.gov, hcanderson@nd.gov
Subject	FW: Huge Win in PCMA v. Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 6:49:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 6:49:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 6:49:00.000 AM

Body	Thought you might want to see this victory Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 17, 2021 9:44 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Huge Win in PCMA v. Wehbi **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Wednesday, November 17, 2021 9:40 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Cc:** Rubin, Howard R. <howard.rubin@katten.com> **Subject:** Huge Win in PCMA v. Wehbi ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, Jim, and Mark: Hot of the presses, we just got an absolutely huge win in *Wehbi*. We ran the table on ERISA preemption, and we won on everything but fees and performance standards under Medicare Part D. Just as importantly, the Eighth Circuit adopted a framework for Part D preemption that preserves a role for the States in regulating PBMs—even as applied to Part D plans. There's a lot more in the opinion, but we didn't want to hold up sending it off to you. Howard and I will give Mark a call shortly to run through the opinion with him. Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1.202.625.3616 robert.smith1@katten.com | katten.com ==========CONFIDENTIALITY NOTICE:Thi
Attachments	16078.pdf

Record 1293

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tkporter@nd.gov, hcanderson@nd.gov
Subject	FW: Huge Win in PCMA v. Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 6:49:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 6:49:58.000 AM
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Attachments	12728.pdf

Record 1294

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bpelton@ndoil.org
Subject	RE: You Are Cordially Invited to the NDPC Christmas Gala - RSVP Today!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 8:09:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 8:09:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 8:09:00.000 AM

Body

Thanks, Brady, for your kind invitation to the Holiday Social.
Beth and I will be out of town on Dec. 8 [NAAG and RAGA in D.C.] so we won't be able to attend this year.
Happy Holidays to all of you!
Wayne

From: Brady Pelton <bpelton@ndoil.org>
Sent: Tuesday, November 2, 2021 4:33 PM
To: Brady Pelton <bpelton@ndoil.org>; ronness <ronness@ndoil.org>
Subject: You Are Cordially Invited to the NDPC Christmas Gala - RSVP Today!
Importance: High

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Greetings, North Dakota leaders and policymakers!

On behalf of the North Dakota Petroleum Council, I would like to extend a formal invitation to join Ron Ness, myself, fellow NDPC staff, the NDPC Board of Directors, and NDPC membership for the 2021 NDPC Christmas Gala. This festive event is scheduled for Wednesday, December 8 at BSC's National Energy Center of Excellence. Please see the invitation below for additional details and a link to RSVP.

We hope you will be able to join us as our guests!

Warm regards,
Brady

Brady Pelton
General Counsel & Director of Government Affairs

North Dakota Petroleum Council
100 West Broadway, Suite 200
PO Box 1395
Bismarck, ND 58501
701.223.6380
bpelton@ndoil.org

www.NDOil.org | www.NDOilFoundation.org

Celebrate the holiday season with NDPC at the 2021 Christmas Gala!

Body

C

The NDPC cordially invites our members and f

BSC National Energy Center of Excellence, Bavendick Stateroom
1200 Schafer Street, Bismarck, ND 58501

Wednesday, December 8, 2021

5 - 7 pm Hosted Social

6 pm Welcome - *Ron Ness, NDPC President*

Entertainment - *Legacy High Gold Standard Vocal Ensemble*

Michael Seil, Choral Director

Remarks - *Bishop Craig Schweitzer, Western North Dakota Synod*

Remarks - *Sr. Kathleen Atkinson, Ministry on the Margins*
Ministry on the Margins

Body	Ministry on the Margins **Attire: Holiday Business** This event is free and open to NDPC member companies, their employees, and friends of NDPC. Registration is not required, but RSVPs are appreciated. Please RSVP by Wednesday, December 1 at 5 pm. **2021 NDPC Christmas Toy Drive** The NDPC will also be hosting a toy drive benefitting **Ministry on the Margins**. If interested in participating, please bring an **unwrapped toy or gift card suitable for any child aged 0-18** to the Gala or drop off donations at the NDPC office in Bismarck. **Thank you to our Premier Partners for sponsoring the 2021 NDPC Christmas Gala and for all of their generous support throughout the year!** 2021 2021 2021 **NDPC PREMIER PARTNERS** AssuredPartners · Bowline Energy · ConocoPhillips · Continental Resources · Crescent Point · Crestwood · Denbury · Double EE Service · Endless Tubing · EOG Resources · Grayson Mill Energy · Hess · Iron Oil · Marathon Oil · NESET · Outrigger Energy · Ovintiv · Prime Transport · Steel Reef · XTO Energy Member Profile
Attachments	image001[12657].png, image002[12658].png, image003[12659].png

Record 1295

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bpelton@ndoil.org
Subject	RE: You Are Cordially Invited to the NDPC Christmas Gala - RSVP Today!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 8:09:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 8:09:36.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 8:09:00.000 AM

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Wayne

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Sent: Tuesday, November 2, 2021 4:33 PM
To: Brady Pelton <bpelton@ndoil.org>; ronness <ronness@ndoil.org>
Subject: You Are Cordially Invited to the NDPC Christmas Gala - RSVP Today!
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We hope you will be able to join us as our guests!

Warm regards,
Brady

Brady Pelton
General Counsel & Director of Government Affairs

North Dakota Petroleum Council
100 West Broadway, Suite 200
PO Box 1395
Bismarck, ND 58501
701.223.6380
bpelton@ndoil.org

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Body	Ministry on the Margins **Attire: Holiday Business** This event is free and open to NDPC member companies, their employees, and friends of NDPC. Registration is not required, but RSVPs are appreciated. Please RSVP by Wednesday, December 1 at 5 pm. **2021 NDPC Christmas Toy Drive** The NDPC will also be hosting a toy drive benefitting **Ministry on the Margins**. If interested in participating, please bring an **unwrapped toy or gift card suitable for any child aged 0-18** to the Gala or drop off donations at the NDPC office in Bismarck. **Thank you to our Premier Partners for sponsoring the 2021 NDPC Christmas Gala and for all of their generous support throughout the year!** 2021 2021 2021 **NDPC PREMIER PARTNERS** AssuredPartners · Bowline Energy · ConocoPhillips · Continental Resources · Crescent Point · Crestwood · Denbury · Double EE Service · Endless Tubing · EOG Resources · Grayson Mill Energy · Hess · Iron Oil · Marathon Oil · NESET · Outrigger Energy · Ovintiv · Prime Transport · Steel Reef · XTO Energy Member Profile
Attachments	image001[9319].png, image002[9320].png, image003[9321].png

Record 1296

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: send eval forms for Stutsman Case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 9:56:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 9:56:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 9:56:00.000 AM

Body	How nice to see! Thanks for sending it along. Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Thursday, November 18, 2021 9:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: send eval forms for Stutsman Case Passing along… it is nice when a States Attorney reaches out (especially when it is Fritz). **From:** Hoge, Emily <ehoge@nd.gov> **Sent:** Thursday, November 18, 2021 8:49 AM **To:** Fremgen, Fritz R. <ffremgen@stutsmancounty.gov> **Cc:** Penner, Jennifer K. <jpenner@nd.gov>; Quinn, Robyn <rquinn@nd.gov> **Subject:** RE: send eval forms for Stutsman Case We greatly appreciate your kind words! Thank you for reaching out. Our laboratory has changed our testimony monitoring practices to meet our international accreditation standards. We no longer send out evaluation forms to attorneys as we had in the past. However, we still encourage emails from you on your thoughts and comments. I have included the laboratory director to this email chain. Thank you for taking your witnesses out of order to complete our testimony as soon as you could. Your accommodation allowed us to return to the laboratory and continue working on other casework. **From:** Fritz Fremgen <ffremgen@stutsmancounty.gov> **Sent:** Wednesday, November 17, 2021 6:04 PM **To:** Penner, Jennifer K. <jpenner@nd.gov>; Hoge, Emily <ehoge@nd.gov> **Subject:** send eval forms for Stutsman Case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Jennifer and Emily: I am really impressed with your testimony. Please send me the eval form tomorrow. I'd like to give you a good evaluation. Fritz Fremgen State's Attorney Stutsman County 701 251 6339

Record 1297

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: send eval forms for Stutsman Case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 9:56:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 9:56:50.000 AM
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Record 1298

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmagrum@nd.gov
Subject	RE: Crossing the Streams – Deep Capture
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:25:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:25:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:24:00.000 AM

Body	Thanks, Jeff. Did you get all the info you need on the COVID vaccine cases? Wayne **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Thursday, November 18, 2021 9:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Crossing the Streams – Deep Capture **Hi Wayne,** **There is supposed to be a lawsuit being filed by the states. I don't know if this is real but there is a call out to the people to contact their Attorney General to get involved. Your picture and contact information is on the email. I am assuming that you will get the request to join soon. You will most likely get a lot of emails asking you to join the suit. Thanks for joining in on the other two lawsuits. I feel like you're representing us well. I see the one about OSHA is stayed ? Thanks again and Good Lords Blessings.** **Sincerely, Jeff Magrum** ***** CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://www.deepcapture.com/2021/11/crossing-the-streams/

Record 1299

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmagrum@nd.gov
Subject	RE: Crossing the Streams – Deep Capture
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:25:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:25:00.000 AM
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Record 1300

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: John Andrist tribute video
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:39:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:39:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:39:34.000 AM

Body	What sdo you think? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Thursday, November 18, 2021 10:33:40 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: John Andrist tribute video Mr. Olson contacted me this morning to make sure he forwarded the video properly so you could see if before it was distributed more broadly pursuant to your request. I told him I would forward it to you asap. **From:** Tim Olson <timo@medora.com> **Sent:** Thursday, November 18, 2021 10:05 AM **To:** -Info-Attorney General <ndag@nd.gov> **Subject:** John Andrist tribute video ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Wayne, Thanks so much for carving out some time to be a part of our tribute to John Andrist. I wanted you to be among the first to see the video before we distribute it more broadly: https://www.youtube.com/watch?v=QKxv-xCBA6g I welcome any feedback you may have on the piece, as well. Have a great day! **Tim Olson** Foundation Communications Specialist Theodore Roosevelt Medora Foundation o. 701.223.4800 c. 701.720.5904 **Explore it. Adore it. Medora.** **See the *Medora Musical* featured in the New York Times!** medora.com | medora blog | facebook.com/MedoraND

Record 1301

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: John Andrist tribute video
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:39:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 10:39:34.000 AM
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Record 1302

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	itdkb4phish@nd.gov
Subject	KnowBe4 Phish AlertFW: LATE NOTICE: Subsequent Events Information - Attached - Due November 12, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 12:14:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 12:14:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 12:14:00.000 PM

Body	**From:** -Info-ACFR <acfr@nd.gov> **Sent:** Thursday, November 18, 2021 12:06 PM **To:** Gallion, Joshua C. <jcgallion@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Ziegler, Lori L. <lziegler@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Peterson, Courtney <Courtney.Peterson.1@MayvilleState.edu>; Soucie, Mary J. <msoucie@nd.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Sick, Wayde <wasick@nd.gov>; Davis, Nathan <nathan.davis@nd.gov>; Halgunseth, Cathy N. <chalgunseth@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Porter, Tim C. <tcporter@nd.gov>; Hummel, Maj. Aaron R. <arhummel@nd.gov>; Dohrmann, Alan S. <adohrmann@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Diane Peycke (peycked@gmail.com) <peycked@gmail.com>; Sinner, Stephanie L. <ssinner@ndsoybean.org>; Bertsch, Kenneth J. <kbertsch@ndseed.ndsu.edu>; Lyons, Sara <slyons@nd.gov>; Fisher, Neal H. <nfisher@ndwheat.com>; Sauer, Shannon L. <ssauer@nd.gov> **Cc:** Kmetz, Rachel A. <rkmetz@nd.gov>; Hoggarth, Crystal N. <cnhoggarth@nd.gov>; Waldoch, Zachary O. <zowaldoch@nd.gov> **Subject:** LATE NOTICE: Subsequent Events Information - Attached - Due November 12, 2021 **Importance:** High Attached you will find the Subsequent Events Letter which needs to be filled out and returned to OMB by November 12, 2021. On page 2 you will need to enter your Agency, Department Number and sign off as to whether you have events or not. If you do please attach a detailed explanation of any event(s). Please return by sending to acfr@nd.gov Thank you for your cooperation. ACFR *Fiscal Management* 701.328.2680 · acfr@nd.gov · www.omb.nd.gov
Attachments	image001[12760].png, phish_alert_iocp_v1.3.98[16077].eml, 16076.docx

Record 1303

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	itdkb4phish@nd.gov
Subject	KnowBe4 Phish AlertFW: LATE NOTICE: Subsequent Events Information - Attached - Due Novemb er 12, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 12:14:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 12:14:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 12:14:00.000 PM

Body	**From:** -Info-ACFR <acfr@nd.gov> **Sent:** Thursday, November 18, 2021 12:06 PM **To:** Gallion, Joshua C. <jcgallion@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Ziegler, Lori L. <lziegler@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Peterson, Courtney <Courtney.Peterson.1@MayvilleState.edu>; Soucie, Mary J. <msoucie@nd.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Sick, Wayde <wasick@nd.gov>; Davis, Nathan <nathan.davis@nd.gov>; Halgunseth, Cathy N. <chalgunseth@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Porter, Tim C. <tcporter@nd.gov>; Hummel, Maj. Aaron R. <arhummel@nd.gov>; Dohrmann, Alan S. <adohrmann@nd.gov>; Krabbenhoft, David L. <dkrabben@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Diane Peycke (peycked@gmail.com) <peycked@gmail.com>; Sinner, Stephanie L. <ssinner@ndsoybean.org>; Bertsch, Kenneth J. <kbertsch@ndseed.ndsu.edu>; Lyons, Sara <slyons@nd.gov>; Fisher, Neal H. <nfisher@ndwheat.com>; Sauer, Shannon L. <ssauer@nd.gov> **Cc:** Kmetz, Rachel A. <rkmetz@nd.gov>; Hoggarth, Crystal N. <cnhoggarth@nd.gov>; Waldoch, Zachary O. <zowaldoch@nd.gov> **Subject:** LATE NOTICE: Subsequent Events Information - Attached - Due November 12, 2021 **Importance:** High Attached you will find the Subsequent Events Letter which needs to be filled out and returned to OMB by November 12, 2021. On page 2 you will need to enter your Agency, Department Number and sign off as to whether you have events or not. If you do please attach a detailed explanation of any event(s). Please return by sending to acfr@nd.gov Thank you for your cooperation. ACFR *Fiscal Management* 701.328.2680 · acfr@nd.gov · www.omb.nd.gov
Attachments	image001[9331].png, phish_alert_iocp_v1.3.98[12727].eml, 12726.docx

Record 1304

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tgrossman@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Gallardo v. Marstiller, No. 20-1263 -- sign on request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:24:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:24:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:24:00.000 PM

Body	Agreed. Will one of you please let the amicus drafters know that ND will join, please. Wayne **From:** Grossman, Tiffany J. <tgrossman@nd.gov> **Sent:** Thursday, November 18, 2021 1:12 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Gallardo v. Marstiller, No. 20-1263 -- sign on request The Department of Human Services supports the State joining the amicus. They do not see any negative impact to the State and are hopeful that the Supreme Court's decision might bring some additional clarity to Medicaid's assignment of claim rights and third party recoveries. Thank you, Tiffany **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 16, 2021 2:47 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Tiffany J. <tgrossman@nd.gov> **Subject:** FW: Gallardo v. Marstiller, No. 20-1263 -- sign on request Attached is a new amicus request written by Utah and Ohio, relating to a Medicaid issue. Tiffany, please review and discuss with your client. Deadline to join is November 19, 2021. Matt **From:** Melissa Holyoak <melissaholyoak@agutah.gov> **Sent:** Tuesday, November 16, 2021 1:33 AM **To:** Beau.Roysden <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; jeff.chanay <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Drew.Ensign@azag.gov; 'Benjamin Flowers (BenjaminFlowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; jonathan.skrmetti@ag.tn.gov; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Subject:** Gallardo v. Marstiller, No. 20-1263 -- sign on request ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi everyone, The attached amicus brief by Utah and Ohio supports respondent Florida Agency for Healthcare Administration in *Gallardo v Marstiller*, No. 20-1263. The Medicaid Act requires a state Medicaid program to obtain a beneficiary's right to "payment for medical care from any third party." 42 U.S.C. § 1396k(a)(1)(A). In this case, Medicaid paid $862,688.77 of petitioner's medical costs and she obtained an $800,000 settlement from a tortfeasor for her injuries. Petitioner contends that Medicaid is entitled to reimbursement of only $35,367.52 from that settlement because only that amount represents payment for past medical care. The question presented is whether Medicaid may also seek reimbursement of its medical-assistance payments from the portion of petitioner's settlement representing payment for future medical care. The amicus argues that (1) the Medicaid statute requires the State to seek reimbursement from payments for "medical care," and it does so without distinguishing between past and future medical care; and (2) in resolving this case, the Court should not suggest that the petitioners in this case had a valid cause of action. Florida's respondent brief is also attached. We will be filing on Monday Nov. 22. If your state would like to join the amicus, please email me at melissaholyoak@agutah.gov by **5:00 pm MT on November 19, 2021.** Thanks! Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov

Record 1305

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tgrossman@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Gallardo v. Marstiller, No. 20-1263 -- sign on request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:24:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:24:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:24:00.000 PM

Body	Agreed. Will one of you please let the amicus drafters know that ND will join, please. Wayne **From:** Grossman, Tiffany J. <tgrossman@nd.gov> **Sent:** Thursday, November 18, 2021 1:12 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Gallardo v. Marstiller, No. 20-1263 -- sign on request The Department of Human Services supports the State joining the amicus. They do not see any negative impact to the State and are hopeful that the Supreme Court's decision might bring some additional clarity to Medicaid's assignment of claim rights and third party recoveries. Thank you, Tiffany **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 16, 2021 2:47 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Tiffany J. <tgrossman@nd.gov> **Subject:** FW: Gallardo v. Marstiller, No. 20-1263 -- sign on request Attached is a new amicus request written by Utah and Ohio, relating to a Medicaid issue. Tiffany, please review and discuss with your client. Deadline to join is November 19, 2021. Matt **From:** Melissa Holyoak <melissaholyoak@agutah.gov> **Sent:** Tuesday, November 16, 2021 1:33 AM **To:** Beau.Roysden <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; 'henry.whitaker@myfloridalegal.com' <henry.whitaker@myfloridalegal.com>; 'daniel.bell@myfloridalegal.com' <daniel.bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; jeff.chanay <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Drew.Ensign@azag.gov; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'Thomas Hydrick' <ThomasHydrick@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; jonathan.skrmetti@ag.tn.gov; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Subject:** Gallardo v. Marstiller, No. 20-1263 -- sign on request ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi everyone, The attached amicus brief by Utah and Ohio supports respondent Florida Agency for Healthcare Administration in *Gallardo v Marstiller*, No. 20-1263. The Medicaid Act requires a state Medicaid program to obtain a beneficiary's right to "payment for medical care from any third party." 42 U.S.C. § 1396k(a)(1)(A). In this case, Medicaid paid $862,688.77 of petitioner's medical costs and she obtained an $800,000 settlement from a tortfeasor for her injuries. Petitioner contends that Medicaid is entitled to reimbursement of only $35,367.52 from that settlement because only that amount represents payment for past medical care. 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Record 1306

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddepountis@nd.gov
Subject	RE: https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:26:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:26:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:26:00.000 PM

Body	Thanks! I've downloaded this so I can watch it on an upcoming flight! Wayne **From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Thursday, November 18, 2021 12:44 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip As discussed! *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210*

Record 1307

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddepountis@nd.gov
Subject	RE: https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:26:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:26:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:26:00.000 PM
Body	Thanks! I've downloaded this so I can watch it on an upcoming flight! Wayne **From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Thursday, November 18, 2021 12:44 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip As discussed! *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210*

Record 1308

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:42:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:42:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:42:00.000 PM

Body	**From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Thursday, November 18, 2021 12:44 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip As discussed! *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210*

Record 1309

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:42:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:42:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 1:42:00.000 PM
Body	**From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Thursday, November 18, 2021 12:44 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** https://www.hbo.com/documentaries/citizen-usa-a-50-state-road-trip As discussed! *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210*

Record 1310

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:24:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:25:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:25:16.000 PM
Body	Have you been following our PBM litigation? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1311

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:24:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:25:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:25:16.000 PM
Body	Have you been following our PBM litigation? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1312

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:29:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:29:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:29:30.000 PM
Body	We had a big win it the 8th Circuit yesterday Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Thursday, November 18, 2021 2:27:00 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Our national writers have, I think. What's up? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, November 18, 2021 2:25 PM **To:** MacPherson, James <jmacpherson@ap.org> **Subject:** [EXTERNAL] Have you been following our PBM litigation? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Record 1313

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:29:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:29:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 2:29:30.000 PM

Body	We had a big win it the 8th Circuit yesterday Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Thursday, November 18, 2021 2:27:00 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Our national writers have, I think. What's up? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, November 18, 2021 2:25 PM **To:** MacPherson, James <jmacpherson@ap.org> **Subject:** [EXTERNAL] Have you been following our PBM litigation? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Record 1314

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmagrum@nd.gov
Subject	RE: Crossing the Streams – Deep Capture
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:25:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:25:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:25:00.000 PM

Body	No, there are 3. I thought you got something on all of them: 1. The OSHA rule 2. The Contractor and subcontractor rule 3. The CMS nursing home/healthcare rule. **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Thursday, November 18, 2021 3:24 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Crossing the Streams – Deep Capture Yes, I received two press releases from Liz. I had heard that there were three but perhaps there are only two? Thanks for the information, I appreciate your work on these important issues. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, November 18, 2021 10:25:00 AM **To:** Magrum, Jeffery <jmagrum@nd.gov> **Subject:** RE: Crossing the Streams – Deep Capture Thanks, Jeff. Did you get all the info you need on the COVID vaccine cases? Wayne **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Thursday, November 18, 2021 9:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Crossing the Streams – Deep Capture **Hi Wayne,** **There is supposed to be a lawsuit being filed by the states. I don't know if this is real but there is a call out to the people to contact their Attorney General to get involved. Your picture and contact information is on the email. I am assuming that you will get the request to join soon. You will most likely get a lot of emails asking you to join the suit. Thanks for joining in on the other two lawsuits. I feel like you're representing us well. I see the one about OSHA is stayed ? Thanks again and Good Lords Blessings.** **Sincerely, Jeff Magrum** ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://www.deepcapture.com/2021/11/crossing-the-streams/

Record 1315

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmagrum@nd.gov
Subject	RE: Crossing the Streams – Deep Capture
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:25:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:25:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:25:00.000 PM

Body	No, there are 3. I thought you got something on all of them: 1. The OSHA rule 2. The Contractor and subcontractor rule 3. The CMS nursing home/healthcare rule. **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Thursday, November 18, 2021 3:24 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Crossing the Streams – Deep Capture Yes, I received two press releases from Liz. I had heard that there were three but perhaps there are only two? Thanks for the information, I appreciate your work on these important issues. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, November 18, 2021 10:25:00 AM **To:** Magrum, Jeffery <jmagrum@nd.gov> **Subject:** RE: Crossing the Streams – Deep Capture Thanks, Jeff. Did you get all the info you need on the COVID vaccine cases? Wayne **From:** Magrum, Jeffery <jmagrum@nd.gov> **Sent:** Thursday, November 18, 2021 9:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Crossing the Streams – Deep Capture **Hi Wayne,** **There is supposed to be a lawsuit being filed by the states. I don't know if this is real but there is a call out to the people to contact their Attorney General to get involved. Your picture and contact information is on the email. I am assuming that you will get the request to join soon. You will most likely get a lot of emails asking you to join the suit. Thanks for joining in on the other two lawsuits. I feel like you're representing us well. I see the one about OSHA is stayed ? Thanks again and Good Lords Blessings.** **Sincerely, Jeff Magrum** ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://www.deepcapture.com/2021/11/crossing-the-streams/

Record 1316

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	FW: Huge Win in PCMA v. Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:26:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:26:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:26:00.000 PM

Body	fyi **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 18, 2021 8:43 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Huge Win in PCMA v. Wehbi FYI... **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Thursday, November 18, 2021 8:39 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Cc:** Rubin, Howard R. <howard.rubin@katten.com> **Subject:** RE: Huge Win in PCMA v. Wehbi ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Thanks so much, Matt. Howard and I are thrilled. Great outcome all around—and it certainly vindicates our decision to concede on the three provisions that we did under Part D. I think we earned a ton of credibility with the panel. Howard and I drafted up a press release for the Attorney General. A copy is attached. As you know, PCMA has 14 days from yesterday to petition for rehearing. We cannot respond unless ordered to do so by the Court. After the period for rehearing expires, or if rehearing is denied, the Court will issue its mandate, returning jurisdiction to the district court. At that point, we'll have to see if the district court wants advice on the language of the final judgment. Separately, PCMA will have 90 days from the opinion or the denial of rehearing, whichever is later, to petition the Supreme Court for a writ of certiorari. That petition would not affect whatever judgment is issued by the district court—unless PCMA moves to stay the mandate. We would be surprised if PCMA sought such a stay though, which are not the norm. As a result, the State should be in a position to start enforcing the law as soon as the mandate issues, because that will formally set aside the district court's prior judgment. Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1 202.625.3616 robert.smith1@katten.com | katten.com **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 17, 2021 10:43 AM **To:** Smith, Robert T. <robert.smith1@katten.com>; Nicolai, James E. <jnicolai@nd.gov>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Cc:** Rubin, Howard R. <howard.rubin@katten.com> **Subject:** RE: Huge Win in PCMA v. Wehbi *EXTERNAL EMAIL – EXERCISE CAUTION* Nice work!!! I am listening to a hearing right now...but saw the opinion come through...Maybe start thinking about a press blurb? **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Wednesday, November 17, 2021 9:40 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Cc:** Rubin, Howard R. <howard.rubin@katten.com> **Subject:** Huge Win in PCMA v. Wehbi ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, Jim, and Mark: Hot of the presses, we just got an absolutely huge win in *Wehbi*. We ran the table on ERISA preemption, and we won on everything but fees and performance standards under Medicare Part D. Just as importantly, the Eighth Circuit adopted a framework for Part D preemption that preserves a role for the States in regulating PBMs—even as applied to Part D plans. There's a lot more in the opinion, but we didn't want to hold up sending it off to you. Howard and I will give Mark a call shortly to run through the opinion with him. Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1 202.625.3616 robert.smith1@katten.com | katten.com ==========CONFIDENTIALITY NOTICE:Th:
Attachments	16075.DOCX

Record 1317

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	FW: Huge Win in PCMA v. Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:26:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:26:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:26:00.000 PM

Body	fyi **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, November 18, 2021 8:43 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Huge Win in PCMA v. Wehbi FYI... **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Thursday, November 18, 2021 8:39 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Cc:** Rubin, Howard R. <howard.rubin@katten.com> **Subject:** RE: Huge Win in PCMA v. Wehbi ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Thanks so much, Matt. Howard and I are thrilled. Great outcome all around—and it certainly vindicates our decision to concede on the three provisions that we did under Part D. I think we earned a ton of credibility with the panel. Howard and I drafted up a press release for the Attorney General. A copy is attached. As you know, PCMA has 14 days from yesterday to petition for rehearing. We cannot respond unless ordered to do so by the Court. After the period for rehearing expires, or if rehearing is denied, the Court will issue its mandate, returning jurisdiction to the district court. At that point, we'll have to see if the district court wants advice on the language of the final judgment. Separately, PCMA will have 90 days from the opinion or the denial of rehearing, whichever is later, to petition the Supreme Court for a writ of certiorari. That petition would not affect whatever judgment is issued by the district court—unless PCMA moves to stay the mandate. We would be surprised if PCMA sought such a stay though, which are not the norm. As a result, the State should be in a position to start enforcing the law as soon as the mandate issues, because that will formally set aside the district court's prior judgment. Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1 202.625.3616 robert.smith1@katten.com | katten.com **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 17, 2021 10:43 AM **To:** Smith, Robert T. <robert.smith1@katten.com>; Nicolai, James E. <jnicolai@nd.gov>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Cc:** Rubin, Howard R. <howard.rubin@katten.com> **Subject:** RE: Huge Win in PCMA v. Wehbi *EXTERNAL EMAIL – EXERCISE CAUTION* Nice work!!! I am listening to a hearing right now...but saw the opinion come through...Maybe start thinking about a press blurb? **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Wednesday, November 17, 2021 9:40 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Cc:** Rubin, Howard R. <howard.rubin@katten.com> **Subject:** Huge Win in PCMA v. Wehbi ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, Jim, and Mark: Hot of the presses, we just got an absolutely huge win in *Wehbi*. We ran the table on ERISA preemption, and we won on everything but fees and performance standards under Medicare Part D. Just as importantly, the Eighth Circuit adopted a framework for Part D preemption that preserves a role for the States in regulating PBMs—even as applied to Part D plans. There's a lot more in the opinion, but we didn't want to hold up sending it off to you. Howard and I will give Mark a call shortly to run through the opinion with him. Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1 202.625.3616 robert.smith1@katten.com | katten.com ==========CONFIDENTIALITY NOTICE:Th:
Attachments	12725.DOCX

Record 1318

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Opinion PCMA v. Wehbi.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:27:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:27:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:27:00.000 PM
Body	Here you go. Statement from me coming down shortly… Wayne
Attachments	16074.pdf

Record 1319

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Opinion PCMA v. Wehbi.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:27:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:27:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 3:27:00.000 PM
Body	Here you go. Statement from me coming down shortly… Wayne
Attachments	12724.pdf

Record 1320

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, jverleger@nd.gov
Subject	RE: "EPA and Army Take Action to Provide Certainty for the Definition of WOTUS"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 4:51:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 4:51:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 4:51:00.000 PM
Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, November 18, 2021 4:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Verleger, Jennifer L. <jverleger@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** "EPA and Army Take Action to Provide Certainty for the Definition of WOTUS" ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne, Jen, and Maggie- §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, masagsve@nd.gov

Record 1321

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, jverleger@nd.gov
Subject	RE: "EPA and Army Take Action to Provide Certainty for the Definition of WOTUS"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 4:51:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 4:51:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 4:51:00.000 PM
Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, November 18, 2021 4:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Verleger, Jennifer L. <jverleger@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** "EPA and Army Take Action to Provide Certainty for the Definition of WOTUS" ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne, Jen, and Maggie- §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, masagsve@nd.gov

Record 1322

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: Glasser Order to Preserve
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:55:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:55:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:55:00.000 PM

Body	I wouldn't worry about it. It seems to me that the Judge may have taken a judicious approach to the attorney's fees. He's not denying them for all time, and I agree with him that we may want to save what few resources that will remain for some meager restitution for the consumers. We can afford it more than most of them. Besides, we got the real relief we wanted. Good job, all in all. Wayne -----Original Message----- From: Grossman, Parrell D. <pgrossman@nd.gov> Sent: Thursday, November 18, 2021 6:19 PM To: Stenehjem, Wayne K. <wstenehjem@nd.gov> Subject: Glasser Order to Preserve Attached is the decision in which Judge Reich issued the Preservation Order; However, he did not grant our attorney's fees. The machinations and/or tortuous path he took in avoiding awarding our attorney's fees is stunning and, even more so, disturbing because it could become the precedence for other judges in this case. Parrell Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. -----Original Message----- From: AGOCPATColorCopy@nd.gov <AGOCPATColorCopy@nd.gov> Sent: Thursday, November 18, 2021 6:13 PM To: Grossman, Parrell D. <pgrossman@nd.gov> Subject: ---------- Sent from CPAT Copier ----------

Record 1323

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: Glasser Order to Preserve
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:55:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:55:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:55:00.000 PM

Body	I wouldn't worry about it. It seems to me that the Judge may have taken a judicious approach to the attorney's fees. He's not denying them for all time, and I agree with him that we may want to save what few resources that will remain for some meager restitution for the consumers. We can afford it more than most of them. Besides, we got the real relief we wanted. Good job, all in all. Wayne -----Original Message----- From: Grossman, Parrell D. <pgrossman@nd.gov> Sent: Thursday, November 18, 2021 6:19 PM To: Stenehjem, Wayne K. <wstenehjem@nd.gov> Subject: Glasser Order to Preserve Attached is the decision in which Judge Reich issued the Preservation Order; However, he did not grant our attorney's fees. The machinations and/or tortuous path he took in avoiding awarding our attorney's fees is stunning and, even more so, disturbing because it could become the precedence for other judges in this case. Parrell Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. -----Original Message----- From: AGOCPATColorCopy@nd.gov <AGOCPATColorCopy@nd.gov> Sent: Thursday, November 18, 2021 6:13 PM To: Grossman, Parrell D. <pgrossman@nd.gov> Subject: ---------- Sent from CPAT Copier ----------

Record 1324

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: appointment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:56:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:56:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:56:00.000 PM

Body	Ok. I've penciled in Wednesday at 10 am Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Thursday, November 18, 2021 7:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: appointment Ok. Let me know a time that works for you on Wednesday and if I don't need it I will send you a message. Karlene Sent from Mail for Windows **From:** Stenehjem, Wayne K. **Sent:** Thursday, November 18, 2021 7:47 PM **To:** Fine, Karlene K. **Cc:** Seibel, Troy T. **Subject:** RE: appointment I will be out tomorrow, Mon. and Tuesday, but back Wed. and will also be in the day after Thanksgiving. Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Thursday, November 18, 2021 6:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** appointment **Importance:** High Wayne – There is a chance (not sure yet) I will need to visit with you next Monday or Tuesday regarding the natural gas transmission line funding the Legislature appropriated to the Industrial Commission. I wanted to check to see if you are going to be in the office next week since it is Thanksgiving week. If you are going to be out, then I would ask if you have availability Friday afternoon. I would prefer next week if at all possible so I can make sure I have all my legal questions prepared but can do it tomorrow if needed. Karlene

Record 1325

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: appointment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:56:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:56:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/18/2021 7:56:00.000 PM

Body	Ok. I've penciled in Wednesday at 10 am Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Thursday, November 18, 2021 7:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: appointment Ok. Let me know a time that works for you on Wednesday and if I don't need it I will send you a message. Karlene Sent from Mail for Windows **From:** Stenehjem, Wayne K. **Sent:** Thursday, November 18, 2021 7:47 PM **To:** Fine, Karlene K. **Cc:** Seibel, Troy T. **Subject:** RE: appointment I will be out tomorrow, Mon. and Tuesday, but back Wed. and will also be in the day after Thanksgiving. Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Thursday, November 18, 2021 6:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** appointment **Importance:** High Wayne – There is a chance (not sure yet) I will need to visit with you next Monday or Tuesday regarding the natural gas transmission line funding the Legislature appropriated to the Industrial Commission. I wanted to check to see if you are going to be in the office next week since it is Thanksgiving week. If you are going to be out, then I would ask if you have availability Friday afternoon. I would prefer next week if at all possible so I can make sure I have all my legal questions prepared but can do it tomorrow if needed. Karlene

Record 1326

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Fwd: Endangered Species Act Comment Letter - Join Deadline Fri., 11/26 at 12 pm CT
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 8:40:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 8:41:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 8:41:38.000 AM

Body	Can you confer with our relevant client agencies to see if they have thoughts about this, please. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov> **Sent:** Friday, November 19, 2021 8:36:20 AM **To:** treg.taylor@alaska.gov <treg.taylor@alaska.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Beau.Roysden@azag.gov <Beau.Roysden@azag.gov>; Drew.Ensign@azag.gov <Drew.Ensign@azag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; vincent.wagner@arkansasag.gov <vincent.wagner@arkansasag.gov>; henry.whitaker@myfloridalegal.com <henry.whitaker@myfloridalegal.com>; daniel.bell@myfloridalegal.com <daniel.bell@myfloridalegal.com>; james.percival@myfloridalegal.com <james.percival@myfloridalegal.com>; jeffrey.desousa@myfloridalegal.com <jeffrey.desousa@myfloridalegal.com>; christopher.baum@myfloridalegal.com <christopher.baum@myfloridalegal.com>; dwaldbeser@law.ga.gov <dwaldbeser@law.ga.gov>; rbergethon@law.ga.gov <rbergethon@law.ga.gov>; spetrany@law.ga.gov <spetrany@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Tom.Fisher@atg.in.gov <Tom.Fisher@atg.in.gov>; Kian.Hudson@atg.in.gov <Kian.Hudson@atg.in.gov>; julia.payne@atg.in.gov <julia.payne@atg.in.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; matt.kuhn@ky.gov <matt.kuhn@ky.gov>; murrillE@ag.louisiana.gov <murrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; John.Sauer@ago.mo.gov <John.Sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Christian.Corrigan@mt.gov <Christian.Corrigan@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov <Benjamin.flowers@ohioattorneygeneral.gov>; may.davis@ohioago.gov <may.davis@ohioago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Esmith@scag.gov <Esmith@scag.gov>; Hkirkland@scag.gov <Hkirkland@scag.gov>; Bcook@scag.gov <Bcook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Steven.Blair@state.sd.us <Steven.Blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah.Campbell@ag.tn.gov <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Judd.Stone@oag.texas.gov <Judd.Stone@oag.texas.gov>; aaron.reitz@oag.texas.gov <aaron.reitz@oag.texas.gov>; Grant.Dorfman@oag.texas.gov <Grant.Dorfman@oag.texas.gov>; Melissaholyoak@agutah.gov <Melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; Lindsay.S.See@wvago.gov <Lindsay.S.See@wvago.gov>; Thomas.T.Lampman@wvago.gov <Thomas.T.Lampman@wvago.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; james.kaste@wyo.gov <james.kaste@wyo.gov> **Cc:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov> **Subject:** Endangered Species Act Comment Letter - Join Deadline Fri., 11/26 at 12 pm CT ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends, Alabama plans to submit comments on two related proposed rules concerning the Endangered Species Act. The first, issued by the Fish and Wildlife Service and the National Marine Fisheries Service, proposes rescinding the Services' final rule defining the term "habitat" for purposes of designating "critical habitat." The second, published only by the FWS, proposes rescinding the Service's implementing regulation detailing how and when it will conduct an analysis to exclude areas from critical habitat designation. Our main concern with both proposed rules is that they seek to increase agency discretion by limiting transparency and predictability. Additionally, the final rules they seek to rescind were promulgated to comply with the Supreme Court's teaching in *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 139 S. Ct. 361 (2018), that (1) "critical habitat" must actually be "habitat" for a species, and (2) the Secretary's discretionary decision not to exclude critical habitat is subject to review under the APA. The new proposed rules seek to revert to pre-*Weyerhaeuser* regulations. I have attached our draft comment letter (which combines the comments for both proposed rules), as well as the proposed rules and the final rules they seek to rescind. Comments are due **next Friday, November 26, 2021—the day after Thanksgiving.** We can accept joins until **12 pm CT** that day. If joining, please send a digital signature of the AG. Thanks for your consideration. Please let Barrett and me know if you have any comments or questions. Best, Eddie Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	16070.pdf, 16071.pdf, 16072.pdf, 16069.pdf, 16073.docx

Record 1327

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Fwd: Endangered Species Act Comment Letter - Join Deadline Fri., 11/26 at 12 pm CT
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 8:40:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 8:41:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 8:41:38.000 AM

Body	Can you confer with our relevant client agencies to see if they have thoughts about this, please. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** LaCour, Edmund <Edmund.LaCour@AlabamaAG.gov> **Sent:** Friday, November 19, 2021 8:36:20 AM **To:** treg.taylor@alaska.gov <treg.taylor@alaska.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Beau.Roysden@azag.gov <Beau.Roysden@azag.gov>; Drew.Ensign@azag.gov <Drew.Ensign@azag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; vincent.wagner@arkansasag.gov <vincent.wagner@arkansasag.gov>; henry.whitaker@myfloridalegal.com <henry.whitaker@myfloridalegal.com>; daniel.bell@myfloridalegal.com <daniel.bell@myfloridalegal.com>; james.percival@myfloridalegal.com <james.percival@myfloridalegal.com>; jeffrey.desousa@myfloridalegal.com <jeffrey.desousa@myfloridalegal.com>; christopher.baum@myfloridalegal.com <christopher.baum@myfloridalegal.com>; dwaldbeser@law.ga.gov <dwaldbeser@law.ga.gov>; rbergethon@law.ga.gov <rbergethon@law.ga.gov>; spetrany@law.ga.gov <spetrany@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Tom.Fisher@atg.in.gov <Tom.Fisher@atg.in.gov>; Kian.Hudson@atg.in.gov <Kian.Hudson@atg.in.gov>; julia.payne@atg.in.gov <julia.payne@atg.in.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; matt.kuhn@ky.gov <matt.kuhn@ky.gov>; murrillE@ag.louisiana.gov <murrillE@ag.louisiana.gov>; StJohnJ@ag.louisiana.gov <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; John.Sauer@ago.mo.gov <John.Sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Christian.Corrigan@mt.gov <Christian.Corrigan@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov <Benjamin.flowers@ohioattorneygeneral.gov>; may.davis@ohioago.gov <may.davis@ohioago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Esmith@scag.gov <Esmith@scag.gov>; Hkirkland@scag.gov <Hkirkland@scag.gov>; Bcook@scag.gov <Bcook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Steven.Blair@state.sd.us <Steven.Blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah.Campbell@ag.tn.gov <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Judd.Stone@oag.texas.gov <Judd.Stone@oag.texas.gov>; aaron.reitz@oag.texas.gov <aaron.reitz@oag.texas.gov>; Grant.Dorfman@oag.texas.gov <Grant.Dorfman@oag.texas.gov>; Melissaholyoak@agutah.gov <Melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; Lindsay.S.See@wvago.gov <Lindsay.S.See@wvago.gov>; Thomas.T.Lampman@wvago.gov <Thomas.T.Lampman@wvago.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; james.kaste@wyo.gov <james.kaste@wyo.gov> **Cc:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov> **Subject:** Endangered Species Act Comment Letter - Join Deadline Fri., 11/26 at 12 pm CT ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends, Alabama plans to submit comments on two related proposed rules concerning the Endangered Species Act. The first, issued by the Fish and Wildlife Service and the National Marine Fisheries Service, proposes rescinding the Services' final rule defining the term "habitat" for purposes of designating "critical habitat." The second, published only by the FWS, proposes rescinding the Service's implementing regulation detailing how and when it will conduct an analysis to exclude areas from critical habitat designation. Our main concern with both proposed rules is that they seek to increase agency discretion by limiting transparency and predictability. Additionally, the final rules they seek to rescind were promulgated to comply with the Supreme Court's teaching in *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 139 S. Ct. 361 (2018), that (1) "critical habitat" must actually be "habitat" for a species, and (2) the Secretary's discretionary decision not to exclude critical habitat is subject to review under the APA. The new proposed rules seek to revert to pre-*Weyerhaeuser* regulations. I have attached our draft comment letter (which combines the comments for both proposed rules), as well as the proposed rules and the final rules they seek to rescind. Comments are due **next Friday, November 26, 2021—the day after Thanksgiving.** We can accept joins until **12 pm CT** that day. If joining, please send a digital signature of the AG. Thanks for your consideration. Please let Barrett and me know if you have any comments or questions. Best, Eddie Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	12720.pdf, 12721.pdf, 12722.pdf, 12719.pdf, 12723.docx

Record 1328

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Bond Opinions
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:07.000 PM

Body	The date on the bond letters is Nov. 23! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Friday, November 19, 2021 9:47:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Bond Opinions Hi Wayne - I understand you won't be able to sign the bond opinions until you get back on Wednesday. Jaden contacted me and said that "bonds close on Tuesday" and HFA needs the opinions by Monday. I am looking for direction as to how to get them back to Jaden and then HFA. They are attached to this email. If you okay them, I do have your e-signature or your stamp which could be affixed to them and they can go out. Please advise! *Alice M. Johnson, ACP* *Advance Certified Paralegal* *Office of Attorney General* *600 E. Boulevard Ave., Dep't 125* *Bismarck, ND 58505-0040* *(701) 328-2211*
Attachments	image001[13107].gif, image002[13108].png

Record 1329

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Bond Opinions
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:07.000 PM

Body	The date on the bond letters is Nov. 23! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Friday, November 19, 2021 9:47:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Bond Opinions Hi Wayne - I understand you won't be able to sign the bond opinions until you get back on Wednesday. Jaden contacted me and said that "bonds close on Tuesday" and HFA needs the opinions by Monday. I am looking for direction as to how to get them back to Jaden and then HFA. They are attached to this email. If you okay them, I do have your e-signature or your stamp which could be affixed to them and they can go out. Please advise! *Alice M. Johnson, ACP* *Advance Certified Paralegal* *Office of Attorney General* *600 E. Boulevard Ave., Dep't 125* *Bismarck, ND 58505-0040* *(701) 328-2211*
Attachments	image001[9389].gif, image002[9390].png

Record 1330

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Bond Opinions
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:13.000 PM

Body	UT gobahead with my e-signature Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 19, 2021 2:11:07 PM **To:** Johnson, Alice M. <amjohnson@nd.gov> **Subject:** Re: Bond Opinions The date on the bond letters is Nov. 23! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Friday, November 19, 2021 9:47:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Bond Opinions Hi Wayne - I understand you won't be able to sign the bond opinions until you get back on Wednesday. Jaden contacted me and said that "bonds close on Tuesday" and HFA needs the opinions by Monday. I am looking for direction as to how to get them back to Jaden and then HFA. They are attached to this email. If you okay them, I do have your e-signature or your stamp which could be affixed to them and they can go out. Please advise! *Alice M. Johnson, ACP* *Advance Certified Paralegal* *Office of Attorney General* *600 E. Boulevard Ave., Dept 125* *Bismarck, ND 58505-0040* *(701) 328-2211*

Record 1331

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Bond Opinions
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 2:11:13.000 PM

Body	UT gobahead with my e-signature Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, November 19, 2021 2:11:07 PM **To:** Johnson, Alice M. <amjohnson@nd.gov> **Subject:** Re: Bond Opinions The date on the bond letters is Nov. 23! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Friday, November 19, 2021 9:47:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Bond Opinions Hi Wayne - I understand you won't be able to sign the bond opinions until you get back on Wednesday. Jaden contacted me and said that "bonds close on Tuesday" and HFA needs the opinions by Monday. I am looking for direction as to how to get them back to Jaden and then HFA. They are attached to this email. If you okay them, I do have your e-signature or your stamp which could be affixed to them and they can go out. Please advise! *Alice M. Johnson, ACP* *Advance Certified Paralegal* *Office of Attorney General* *600 E. Boulevard Ave., Dep't 125* *Bismarck, ND 58505-0040* *(701) 328-2211*

Record 1332

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Re: Opinion PCMA v. Wehbi.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 3:09:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 3:10:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 3:10:08.000 PM

Body	Nice job succinctly explaining a complicated matter. Have a nice weekend! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Friday, November 19, 2021 3:02:43 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Opinion PCMA v. Wehbi.pdf ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://www.usnews.com/news/politics/articles/2021-11-19/court-largely-upholds-north-dakota-law-regulating-pbms **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, November 18, 2021 3:28 PM **To:** MacPherson, James <jmacpherson@ap.org> **Subject:** Opinion PCMA v. Wehbi.pdf [EXTERNAL] Here you go. Statement from me coming down shortly… Wayne The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Record 1333

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Re: Opinion PCMA v. Wehbi.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 3:09:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 3:10:07.000 PM
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Record 1334

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bdevlin@nd.gov
Subject	Re: Help
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 4:28:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 4:28:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 4:28:18.000 PM

Body	He needs a lawyer Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Devlin, Bill R. <bdevlin@nd.gov> **Sent:** Friday, November 19, 2021 4:29:57 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Help This probably should go to you! Good luck! Bill **From:** Gerri Jones <gerrij87@yahoo.com> **Sent:** Friday, November 19, 2021 3:24 PM **To:** Devlin, Bill R. **Subject:** Help ******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Gerri Jones 628 N.E. 2nd Ave Dilworth, MN 56529 Phone: §44-04-18.21 Email Address: §44-04-18.21 Message: To whom it may concern I would like for you to help us. My husband was arrested in Jamestown unfortunately. It was documented that he refused piss test for DUI which when you can't piss its not fair or right for officer to put refusal especially when there is other means of doing a DUI test . Courts found him not quilty yet the state will not remove the suspension of his licenses. So it is double jeropdy. It puts us in a bind all our vehicles are marked as suspension driver from Minnesota and North Dakota and we need these vehicles for medical reasons. My husband needs double lung transplant which means driving to Mayo clinic many trips which is 5 hours away from where we live. And we cannot afford another vehicle to be put under my name. With my husband on oxygen 24/7 we have to have our van for sake of hauling oxygen tanks with us to his appointments. I need to go to Mayo myself i been doctoring there for last 2 years now everything is screwed up...we do not have anyone to haul us around or can not afford a taxi especially since my husband can not work. Also while in custody at Stutsman county jail. They flushed my husband's dentures and wedding ring down sewer. When they could of put gloves on and picked the stuff up and put in baggie and put in with his property. I don't care about his behavior cause he has mental health issues and that causes his behavior so they should of taken it consideration when I told them he has mental health issues. So that place needs to learn more about Mental health behavior.. so we would like his black hills gold wedding ring replaced and his dentures.. My husband's name is James Allen Jones We live in Dilworth, Minnesota. THIS IS DOUBLE JEROPDY IF COURTS FIND A PERSON NOT QUILTY THATS WHAT IT SHOULD BE. THEY SEND OUT THESE LETTERS WHILE IN JAIL HOW CAN A PERSON APPEAL ANYTHING. Please we need your help§44-04-18.21Gerri and Jim Jones Sent from Yahoo Mail on Android

Record 1335

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bdevlin@nd.gov
Subject	Re: Help
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 4:28:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 4:28:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/19/2021 4:28:18.000 PM

Body	He needs a lawyer Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Devlin, Bill R. <bdevlin@nd.gov> **Sent:** Friday, November 19, 2021 4:29:57 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Help This probably should go to you! Good luck! Bill **From:** Gerri Jones <gerrij87@yahoo.com> **Sent:** Friday, November 19, 2021 3:24 PM **To:** Devlin, Bill R. **Subject:** Help ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Gerri Jones 628 N.E. 2nd Ave Dilworth, MN 56529 Phone: §44-04-18.21 Email Address: §44-04-18.21 Message: To whom it may concern I would like for you to help us. My husband was arrested in Jamestown unfortunately. It was documented that he refused piss test for DUI which when you can't piss its not fair or right for officer to put refusal especially when there is other means of doing a DUI test . Courts found him not quilty yet the state will not remove the suspension of his licenses. So it is double jeropdy. It puts us in a bind all our vehicles are marked as suspension driver from Minnesota and North Dakota and we need these vehicles for medical reasons. My husband needs double lung transplant which means driving to Mayo clinic many trips which is 5 hours away from where we live. And we cannot afford another vehicle to be put under my name. With my husband on oxygen 24/7 we have to have our van for sake of hauling oxygen tanks with us to his appointments. I need to go to Mayo myself i been doctoring there for last 2 years now everything is screwed up...we do not have anyone to haul us around or can not afford a taxi especially since my husband can not work. Also while in custody at Stutsman county jail. They flushed my husband's dentures and wedding ring down sewer. When they could of put gloves on and picked the stuff up and put in baggie and put in with his property. I don't care about his behavior cause he has mental health issues and that causes his behavior so they should of taken it consideration when I told them he has mental health issues. So that place needs to learn more about Mental health behavior.. so we would like his black hills gold wedding ring replaced and his dentures.. My husband's name is James Allen Jones We live in Dilworth, Minnesota. THIS IS DOUBLE JEROPDY IF COURTS FIND A PERSON NOT QUILTY THATS WHAT IT SHOULD BE. THEY SEND OUT THESE LETTERS WHILE IN JAIL HOW CAN A PERSON APPEAL ANYTHING. Please we need your help §44-04-18.21Gerri and Jim Jones Sent from Yahoo Mail on Android

Record 1336

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	FW: OSHA - Petn for Initial En Banc Review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 6:24:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 6:24:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 6:24:00.000 PM

Body	-----Original Message----- From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> Sent: Sunday, November 21, 2021 1:40 PM To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov> Cc: Judd Stone <judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov> Subject: RE: OSHA - Petn for Initial En Banc Review ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Also, if anyone needs CA6 filings, you can send me the form and we're happy to sponsor you Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. -----Original Message----- From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov> Sent: Sunday, November 21, 2021 2:14 PM To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> Cc: Judd Stone <judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov> Subject: Re: OSHA - Petn for Initial En Banc Review Louisiana is in - we had private parties in our 5th Cir coalition. they can just submit a "we join them" filing? Sent from my iPhone On Nov 19, 2021, at 9:52 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

Body

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

Two updates:

1. So far, Florida, Alabama, and South Carolina have all signed on.
2. Based on (convincing) feedback we've received, we will cut this line: "So, if hearing this case en banc is the only way to decide it correctly, then the Court has no choice but to hear it en banc."

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov>

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From: Benjamin Flowers
Sent: Thursday, November 18, 2021 4:02 PM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>
Subject: RE: OSHA - Petn for Initial En Banc Review

All,

The attached version of the petition for rehearing en banc corrects a nit and replaces an inadvertent omission. (Specifically, it now includes this sentence: "First, the Vaccine Mandate is a regulation of public health, plain and simple; its purpose and its effect is to regulate private healthcare decisions by making life harder for citizens who refuse to care for themselves in the federally approved manner.")

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov>

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Body	communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. From: Benjamin Flowers Sent: Thursday, November 18, 2021 10:44 AM To: 'Judd Stone' <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; 'Ensign, Drew' <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>> Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; 'Roysden, Beau' <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; 'James Percival' <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; 'Ross Bergethon' <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; 'masagsve@nd.gov' <masagsve@nd.gov<mailto:masagsve@nd.gov>>; 'tseibel@nd.gov' <tseibel@nd.gov<mailto:tseibel@nd.gov>>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; 'Emory Smith' <ESmith@scag.gov<mailto:ESmith@scag.gov>>; 'HKirkland@scag.gov' <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; 'BCook@scag.gov' <BCook@scag.gov<mailto:BCook@scag.gov>>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; 'Sarah K. 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We have done our best to write it in a way that will appeal to those judges we most need to convince. We plan to file Monday at noon, so please send any joinder by Monday, November 22, at 10 AM Eastern. Important: To be sure we do not miss you, please copy Josh Richardson in our office, who will keep a copy of all sign-ons. With all the emails I'm getting, I'm afraid I may miss one if you send it just to me. Josh's email address is Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov> Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938

Body	benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Campbell' <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>>; 'James Kaste' <james.kaste@wyo.gov<mailto:james.kaste@wyo.gov>>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>> Subject: RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc? All, The court already ordered DOJ to respond to Buckeye's petition. The response is due on Tuesday. We now recommend seeking initial en banc review—it will function as an amicus brief supporting Buckeye's request. It would be easiest if we could simply respond to the en banc request. But I called the Sixth Circuit and I'm told it cannot do that.

Body	The Sixth Circuit plans to draft a short petition for initial en banc review. Its main function will be to signal that we aren't opposed to this plan. We will do our best to draft it today, circulate it tomorrow, and be ready to file Monday. One wrinkle: I don't think States on cases outside the Sixth Circuit can join our brief until the formal MDL docket is made. So if there's no docket on Monday, my inclination would be to say in the brief that we have secured the "support of The States of ____, all of whom are parties to other cases consolidated for decision before the panel." Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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All,

Body	The Sixth Circuit coalition met, and we recommend not filing yet. The dispositive fact, for us, is that we're reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isn't going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside. A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeye's petition. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. From: Judd Stone <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>> Sent: Wednesday, November 17, 2021 9:32 AM To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>; rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>; lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>; James Kaste <james.kaste@wyo.gov<mailto:james.kaste@wyo.gov>>; ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; Christopher Baum <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>> Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

Body	I like the idea, but have a couple of thoughts. First: as I understand it (and I may be wrong), CA5's stay remains in place and it's up CA6 as to whether to lift it. I'd want to see whether CA6 lifted the stay before deciding whether to go en banc. If they leave it in place, there's 1) far less of a justification for going initially en banc in terms of reliance interests, and 2) basically no need. The feds play the strategic acceleration/slowdown game all the time; I don't think we need to accommodate their desire for haste if we keep the stay. If the stay went away—I'd agree entirely that we shouldn't leave ourselves to the vicissitudes of a bad panel draw when we're assured a good en banc. But perhaps we should let this play out a bit further before going that route. _____ From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>> Sent: Wednesday, November 17, 2021 7:48 AM To: Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov> <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov> <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov> <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov> <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov> <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov> <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov> <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov> <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov> <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; Matt.Kuhn@ky.gov< mailto:Matt.Kuhn@ky.gov> <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov> <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov> <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov> <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov> <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov> <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov> <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov> <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov> <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov> <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; wstenehjem@nd.gov< mailto:wstenehjem@nd.gov> <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; masagsve@nd.gov<mailto:masagsve@nd.gov> <masagsve@nd.gov<mailto:masagsve@nd.gov>>; tseibel@nd.gov<mailto:tseibel@nd.gov> <tseibel@nd.gov<mailto:tseibel@nd.gov>>; Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov> <Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov>>; May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov> <May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov> <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov> <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; BCook@scag.gov<mailto:BCook@scag.gov> <BCook@scag.gov<mailto:BCook@scag.gov>>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov> <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us> <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us> <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us> <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; Sarah K. 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Record 1337

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	FW: OSHA - Petn for Initial En Banc Review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 6:24:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 6:24:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 6:24:00.000 PM

Body

-----Original Message-----
From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Sunday, November 21, 2021 1:40 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Judd Stone <judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>
Subject: RE: OSHA - Petn for Initial En Banc Review

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Also, if anyone needs CA6 filings, you can send me the form and we're happy to sponsor you

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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-----Original Message-----
From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Sunday, November 21, 2021 2:14 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Judd Stone <judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>
Subject: Re: OSHA - Petn for Initial En Banc Review

Louisiana is in - we had private parties in our 5th Cir coalition. they can just submit a "we join them" filing?

Sent from my iPhone

On Nov 19, 2021, at 9:52 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

Body

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All,

Two updates:

1. So far, Florida, Alabama, and South Carolina have all signed on.
2. Based on (convincing) feedback we've received, we will cut this line: "So, if hearing this case en banc is the only way to decide it correctly, then the Court has no choice but to hear it en banc."

Ben Flowers
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From: Benjamin Flowers
Sent: Thursday, November 18, 2021 4:02 PM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>
Subject: RE: OSHA - Petn for Initial En Banc Review

All,

The attached version of the petition for rehearing en banc corrects a nit and replaces an inadvertent omission. (Specifically, it now includes this sentence: "First, the Vaccine Mandate is a regulation of public health, plain and simple; its purpose and its effect is to regulate private healthcare decisions by making life harder for citizens who refuse to care for themselves in the federally approved manner.")

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Body	communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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We have done our best to write it in a way that will appeal to those judges we most need to convince. We plan to file Monday at noon, so please send any joinder by Monday, November 22, at 10 AM Eastern. Important: To be sure we do not miss you, please copy Josh Richardson in our office, who will keep a copy of all sign-ons. With all the emails I'm getting, I'm afraid I may miss one if you send it just to me. Josh's email address is Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov> Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938

Body

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From: Benjamin Flowers
Sent: Wednesday, November 17, 2021 3:02 PM
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Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; 'Roysden, Beau' <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; 'James Percival' <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; 'Ross Bergethon' <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; 'masagsve@nd.gov' <masagsve@nd.gov<mailto:masagsve@nd.gov>>; 'tseibel@nd.gov' <tseibel@nd.gov<mailto:tseibel@nd.gov>>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; 'Emory Smith' <ESmith@scag.gov<mailto:ESmith@scag.gov>>; 'HKirkland@scag.gov' <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; 'BCook@scag.gov' <BCook@scag.gov<mailto:BCook@scag.gov>>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>>; 'James Kaste' <james.kaste@wyo.gov<mailto:james.kaste@wyo.gov>>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>>
Subject: RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

All,

The court already ordered DOJ to respond to Buckeye's petition. The response is due on Tuesday.

We now recommend seeking initial en banc review—it will function as an amicus brief supporting Buckeye's request. It would be easiest if we could simply respond to the en banc request. But I called the Sixth Circuit and I'm told it cannot do that.

Body	The Sixth Circuit plans to draft a short petition for initial en banc review. Its main function will be to signal that we aren't opposed to this plan. We will do our best to draft it today, circulate it tomorrow, and be ready to file Monday. One wrinkle: I don't think States on cases outside the Sixth Circuit can join our brief until the formal MDL docket is made. So if there's no docket on Monday, my inclination would be to say in the brief that we have secured the "support of The States of ____, all of whom are parties to other cases consolidated for decision before the panel." Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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All,

Body	The Sixth Circuit coalition met, and we recommend not filing yet. The dispositive fact, for us, is that we're reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isn't going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside. A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeye's petition. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Body	I like the idea, but have a couple of thoughts. First: as I understand it (and I may be wrong), CA5's stay remains in place and it's up CA6 as to whether to lift it. I'd want to see whether CA6 lifted the stay before deciding whether to go en banc. If they leave it in place, there's 1) far less of a justification for going initially en banc in terms of reliance interests, and 2) basically no need. The feds play the strategic acceleration/slowdown game all the time; I don't think we need to accommodate their desire for haste if we keep the stay. If the stay went away—I'd agree entirely that we shouldn't leave ourselves to the vicissitudes of a bad panel draw when we're assured a good en banc. But perhaps we should let this play out a bit further before going that route. _____ From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>> Sent: Wednesday, November 17, 2021 7:48 AM To: Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov> <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov> <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov> <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov> <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov> <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov> <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov> <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov> <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov> <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; Matt.Kuhn@ky.gov< mailto:Matt.Kuhn@ky.gov> <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov> <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov> <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov> <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov> <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov> <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov> <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov> <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov> <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov> <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; wstenehjem@nd.gov< mailto:wstenehjem@nd.gov> <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; masagsve@nd.gov<mailto:masagsve@nd.gov> <masagsve@nd.gov<mailto:masagsve@nd.gov>>; tseibel@nd.gov<mailto:tseibel@nd.gov> <tseibel@nd.gov<mailto:tseibel@nd.gov>>; Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov> <Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov>>; May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov> <May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov> <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov> <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; BCook@scag.gov<mailto:BCook@scag.gov> <BCook@scag.gov<mailto:BCook@scag.gov>>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov> <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us> <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us> <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us> <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; Sarah K. 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Sent: Sunday, November 21, 2021 2:52:15 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>
Subject: OSHA - One More Update

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One more update. According to the attached scheduling order, all petitions for initial en banc review are due Wednesday. (No problem there, as we'll file tomorrow.) It also tells us to make all filings in the filer's case plus in the consolidated case. I don't take that to bar us from filing a consolidated petition—we'll just file in the Sixth Circuit case plus in the consolidated lead case, listing all other cases at the top. And the Sixth Circuit is usually pretty reasonable about these things. To the extent there is an issue, I would think we could resolve it by having each coalition filing a me-too letter.

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-----Original Message-----
From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Sunday, November 21, 2021 2:14 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Judd Stone <judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>

Body

Subject: Re: OSHA - Petn for Initial En Banc Review

Louisiana is in - we had private parties in our 5th Cir coalition. they can just submit a "we join them" filing?

Sent from my iPhone

On Nov 19, 2021, at 9:52 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

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All,

Two updates:

1. So far, Florida, Alabama, and South Carolina have all signed on.
2. Based on (convincing) feedback we've received, we will cut this line: "So, if hearing this case en banc is the only way to decide it correctly, then the Court has no choice but to hear it en banc."

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To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>
Subject: RE: OSHA - Petn for Initial En Banc Review

All,

The attached version of the petition for rehearing en banc corrects a nit and replaces an inadvertent omission. (Specifically, it now includes this sentence: "First, the Vaccine Mandate is a regulation of public health, plain and simple; its purpose and its effect is to regulate private healthcare decisions by making life harder for citizens who refuse to care for themselves in the federally approved manner.")

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Campbell' <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>>; 'James Kaste' <james.kaste@wyo.gov<mailto:james.kaste@wyo.gov>>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV<mailto:SPetrany@LAW.GA.GOV>> Subject: OSHA - Petn for Initial En Banc Review All, Here is a proposed petition for initial en banc review. We have done our best to write it in a way that will appeal to those judges we most need to convince. We plan to file Monday at noon, so please send any joinder by Monday, November 22, at 10 AM Eastern. Important: To be sure we do not miss you, please copy Josh Richardson in our office, who will keep a copy of all sign-ons. With all the emails I'm getting, I'm afraid I may miss one if you send it just to me.

Body	Josh's email address is Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov> Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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All, The court already ordered DOJ to respond to Buckeye's petition. The response is due on Tuesday.

Body	We now recommend seeking initial en banc review—it will function as an amicus brief supporting Buckeye's request. It would be easiest if we could simply respond to the en banc request. But I called the Sixth Circuit and I'm told it cannot do that. The Sixth Circuit plans to draft a short petition for initial en banc review. Its main function will be to signal that we aren't opposed to this plan. We will do our best to draft it today, circulate it tomorrow, and be ready to file Monday. One wrinkle: I don't think States on cases outside the Sixth Circuit can join our brief until the formal MDL docket is made. So if there's no docket on Monday, my inclination would be to say in the brief that we have secured the "support of The States of ____, all of whom are parties to other cases consolidated for decision before the panel." Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Body

All,

The Sixth Circuit coalition met, and we recommend not filing yet. The dispositive fact, for us, is that we're reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isn't going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside.

A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeye's petition.

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Body	<Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>> Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc? I like the idea, but have a couple of thoughts. First: as I understand it (and I may be wrong), CAS's stay remains in place and it's up CA6 as to whether to lift it. I'd want to see whether CA6 lifted the stay before deciding whether to go en banc. If they leave it in place, there's 1) far less of a justification for going initially en banc in terms of reliance interests, and 2) basically no need. The feds play the strategic acceleration/slowdown game all the time; I don't think we need to accommodate their desire for haste if we keep the stay. If the stay went away—I'd agree entirely that we shouldn't leave ourselves to the vicissitudes of a bad panel draw when we're assured a good en banc. But perhaps we should let this play out a bit further before going that route. From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>> Sent: Wednesday, November 17, 2021 7:48 AM To: Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov> <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov> <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov> <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov> <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov> <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov> <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov> <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov> <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov> <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; Matt.Kuhn@ky.gov< mailto:Matt.Kuhn@ky.gov> <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov> <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov> <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov> <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov> <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov> <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov> <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov> <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov> <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov> <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; wstenehjem@nd.gov< mailto:wstenehjem@nd.gov> <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; masagsve@nd.gov<mailto:masagsve@nd.gov> <masagsve@nd.gov<mailto:masagsve@nd.gov>>; tseibel@nd.gov<mailto:tseibel@nd.gov> <tseibel@nd.gov<mailto:tseibel@nd.gov>>; Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov> <Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov>>; May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov> <May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov> <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov> <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; BCook@scag.gov<mailto:BCook@scag.gov> <BCook@scag.gov<mailto:BCook@scag.gov>>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov> <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us> <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us> <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us> <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; Sarah K. 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Louisiana agrees too! Sent from my iPhone On Nov 16, 2021, at 8:55 PM, Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. Hi all, As you have all undoubtedly seen, the Sixth Circuit was chosen by lottery for all of our challenges to the OSHA mandate. Although this is hardly an original thought, our inclination was to seek initial hearing en banc for the stay motions and petitions for review. We could certainly be convinced otherwise, but that approach seems justified by the enormous importance of the case and by the interest in avoiding an aberrational panel draw. If other states broadly agree, we propose filing a joint motion on behalf of all interested states and all co-petitioners. We think that approach will both improve the chances of initial en banc hearing being granted, and avoid annoying the court with multiple separate filings. We are certainly not Sixth Circuit experts, so please take suggestion with that grain of salt. Happy to discuss this either by email exchange or on the call Thursday. We are definitely not wedded to the concept, but thought it at least merited some discussion within our group. As they say on Twitter, Happy Lottery Day! (I suspect we may have had a happier one than some others though.) Sincerely, Drew The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Body	We are in this one, right? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Sunday, November 21, 2021 2:52:15 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Cc:** Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. 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Do not click links or open attachments unless you know they are safe. ***** One more update. According to the attached scheduling order, all petitions for initial en banc review are due Wednesday. (No problem there, as we'll file tomorrow.) It also tells us to make all filings in the filer's case plus in the consolidated case. I don't take that to bar us from filing a consolidated petition—we'll just file in the Sixth Circuit case plus in the consolidated lead case, listing all other cases at the top. And the Sixth Circuit is usually pretty reasonable about these things. To the extent there is an issue, I would think we could resolve it by having each coalition filing a me-too letter. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. -----Original Message----- From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov> Sent: Sunday, November 21, 2021 2:14 PM To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> Cc: Judd Stone <judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>

Body	Subject: Re: OSHA - Petn for Initial En Banc Review Louisiana is in - we had private parties in our 5th Cir coalition. they can just submit a "we join them" filing? Sent from my iPhone On Nov 19, 2021, at 9:52 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Two updates: 1. So far, Florida, Alabama, and South Carolina have all signed on. 2. Based on (convincing) feedback we've received, we will cut this line: "So, if hearing this case en banc is the only way to decide it correctly, then the Court has no choice but to hear it en banc." Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. From: Benjamin Flowers Sent: Thursday, November 18, 2021 4:02 PM To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV> Subject: RE: OSHA - Petn for Initial En Banc Review All, The attached version of the petition for rehearing en banc corrects a nit and replaces an inadvertent omission. (Specifically, it now includes this sentence: "First, the Vaccine Mandate is a regulation of public health, plain and simple; its purpose and its effect is to regulate private healthcare decisions by making life harder for citizens who refuse to care for themselves in the federally approved manner.") Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov>

Body

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Sent: Thursday, November 18, 2021 10:44 AM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; 'Ensign, Drew' <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; 'Roysden, Beau' <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; 'James Percival' <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; 'Ross Bergethon' <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; 'John.sauer@ago.mo.gov' <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; 'masagsve@nd.gov' <masagsve@nd.gov<mailto:masagsve@nd.gov>>; 'tseibel@nd.gov' <tseibel@nd.gov<mailto:tseibel@nd.gov>>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; 'Emory Smith' <ESmith@scag.gov<mailto:ESmith@scag.gov>>; 'HKirkland@scag.gov' <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; 'BCook@scag.gov' <BCook@scag.gov<mailto:BCook@scag.gov>>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>>; 'James Kaste' <james.kaste@wyo.gov<mailto:james.kaste@wyo.gov>>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV<mailto:SPetrany@LAW.GA.GOV>>
Subject: OSHA - Petn for Initial En Banc Review

All,

Here is a proposed petition for initial en banc review. We have done our best to write it in a way that will appeal to those judges we most need to convince. We plan to file Monday at noon, so please send any joinder by Monday, November 22, at 10 AM Eastern.

Important: To be sure we do not miss you, please copy Josh Richardson in our office, who will keep a copy of all sign-ons. With all the emails I'm getting, I'm afraid I may miss one if you send it just to me.

Body

Josh's email address is JoshuaA.Richardson@OhioAGO.gov<mailto:JoshuaA.Richardson@OhioAGO.gov>

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511
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From: Benjamin Flowers
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To: 'Judd Stone' <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; 'Ensign, Drew' <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; 'Roysden, Beau' <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; 'James Percival' <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; 'Ross Bergethon' <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; 'masagsve@nd.gov' <masagsve@nd.gov<mailto:masagsve@nd.gov>>; 'tseibel@nd.gov' <tseibel@nd.gov<mailto:tseibel@nd.gov>>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; 'Emory Smith' <ESmith@scag.gov<mailto:ESmith@scag.gov>>; 'HKirkland@scag.gov' <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; 'BCook@scag.gov' <BCook@scag.gov<mailto:BCook@scag.gov>>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>>; 'James Kaste' <james.kaste@wyo.gov<mailto:james.kaste@wyo.gov>>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>>
Subject: RE: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

All,

The court already ordered DOJ to respond to Buckeye's petition. The response is due on Tuesday.

Body	We now recommend seeking initial en banc review—it will function as an amicus brief supporting Buckeye's request. It would be easiest if we could simply respond to the en banc request. But I called the Sixth Circuit and I'm told it cannot do that. The Sixth Circuit plans to draft a short petition for initial en banc review. Its main function will be to signal that we aren't opposed to this plan. We will do our best to draft it today, circulate it tomorrow, and be ready to file Monday. One wrinkle: I don't think States on cases outside the Sixth Circuit can join our brief until the formal MDL docket is made. So if there's no docket on Monday, my inclination would be to say in the brief that we have secured the "support of The States of ____, all of whom are parties to other cases consolidated for decision before the panel." Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Body

All,

The Sixth Circuit coalition met, and we recommend not filing yet. The dispositive fact, for us, is that we're reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isn't going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside.

A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeye's petition.

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Body	<Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>> Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc? I like the idea, but have a couple of thoughts. First: as I understand it (and I may be wrong), CAS's stay remains in place and it's up CA6 as to whether to lift it. I'd want to see whether CA6 lifted the stay before deciding whether to go en banc. If they leave it in place, there's 1) far less of a justification for going initially en banc in terms of reliance interests, and 2) basically no need. The feds play the strategic acceleration/slowdown game all the time; I don't think we need to accommodate their desire for haste if we keep the stay. If the stay went away—I'd agree entirely that we shouldn't leave ourselves to the vicissitudes of a bad panel draw when we're assured a good en banc. But perhaps we should let this play out a bit further before going that route. From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>> Sent: Wednesday, November 17, 2021 7:48 AM To: Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov> <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov> <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov> <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov> <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov> <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov> <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov> <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov> <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov> <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; Matt.Kuhn@ky.gov< mailto:Matt.Kuhn@ky.gov> <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov> <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov> <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov> <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov> <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov> <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov> <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov> <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov> <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov> <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; wstenehjem@nd.gov< mailto:wstenehjem@nd.gov> <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; masagsve@nd.gov<mailto:masagsve@nd.gov> <masagsve@nd.gov<mailto:masagsve@nd.gov>>; tseibel@nd.gov<mailto:tseibel@nd.gov> <tseibel@nd.gov<mailto:tseibel@nd.gov>>; Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov> <Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov>>; May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov> <May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov> <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov> <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; BCook@scag.gov<mailto:BCook@scag.gov> <BCook@scag.gov<mailto:BCook@scag.gov>>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov> <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us> <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us> <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us> <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; Sarah K. 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Louisiana agrees too! Sent from my iPhone On Nov 16, 2021, at 8:55 PM, Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. Hi all, As you have all undoubtedly seen, the Sixth Circuit was chosen by lottery for all of our challenges to the OSHA mandate. Although this is hardly an original thought, our inclination was to seek initial hearing en banc for the stay motions and petitions for review. We could certainly be convinced otherwise, but that approach seems justified by the enormous importance of the case and by the interest in avoiding an aberrational panel draw. If other states broadly agree, we propose filing a joint motion on behalf of all interested states and all co-petitioners. We think that approach will both improve the chances of initial en banc hearing being granted, and avoid annoying the court with multiple separate filings. We are certainly not Sixth Circuit experts, so please take suggestion with that grain of salt. Happy to discuss this either by email exchange or on the call Thursday. We are definitely not wedded to the concept, but thought it at least merited some discussion within our group. As they say on Twitter, Happy Lottery Day! (I suspect we may have had a happier one than some others though.) Sincerely, Drew The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 10:48:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 10:48:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 10:48:28.000 PM

Body

Great, thanks!

Sent from my Verizon, Samsung Galaxy smartphone
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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 21, 2021 9:34:23 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: OSHA - One More Update

Yes

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 21, 2021 7:36 PM
To: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: OSHA - One More Update

We are in this one, right?
Wayne

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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Sunday, November 21, 2021 2:52:15 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>
Subject: OSHA - One More Update

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One more update. According to the attached scheduling order, all petitions for initial en banc review are due Wednesday. (No problem there, as we'll file tomorrow.) It also tells us to make all filings in the filer's case plus in the consolidated case. I don't take that to bar us from filing a consolidated petitionâ€"we'll just file in the Sixth Circuit case plus in the consolidated lead case, listing all other cases at the top. And the Sixth Circuit is usually pretty reasonable about these things. To the extent there is an issue, I would think we could resolve it by having each coalition filing a me-too letter.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
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benjamin.flowers@ohioattorneygeneral.gov

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Sunday, November 21, 2021 2:14 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Judd Stone <Judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov;

Body	zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov> Subject: Re: OSHA - Petn for Initial En Banc Review Louisiana is in - we had private parties in our 5th Cir coalition. they can just submit a â€œwe join themâ€ filing? Sent from my iPhone On Nov 19, 2021, at 9:52 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Two updates: 1. So far, Florida, Alabama, and South Carolina have all signed on. 2. Based on (convincing) feedback weâ€™ve received, we will cut this line: â€œSo, if hearing this case en banc is the only way to decide it correctly, then the Court has no choice but to hear it en banc.â€ Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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From: Benjamin Flowers Sent: Thursday, November 18, 2021 4:02 PM To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <Murrille@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <James.Kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV> Subject: RE: OSHA - Petn for Initial En Banc Review All, The attached version of the petition for rehearing en banc corrects a nit and replaces an inadvertent omission. (Specifically, it now includes this sentence: â€œFirst, the Vaccine Mandate is a regulation of public health, plain and simple; its purpose and its effect is to regulate private healthcare decisions by making life harder for citizens who refuse to care for themselves in the federally approved manner.â€) Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby

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Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; 'Roysden, Beau' <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; 'James Percival' <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; 'Ross Bergethon' <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; 'masagsve@nd.gov' <masagsve@nd.gov<mailto:masagsve@nd.gov>>; 'tseibel@nd.gov' <tseibel@nd.gov<mailto:tseibel@nd.gov>>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>; 'Emory Smith' <ESmith@scag.gov<mailto:ESmith@scag.gov>>; 'HKirkland@scag.gov' <HKirkland@scag.gov<mailto:HKirkland@scag.gov>>; 'BCook@scag.gov' <BCook@scag.gov<mailto:BCook@scag.gov>>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us<mailto:Sherri.Wald@state.sd.us>>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov<mailto:Jessica.A.Lee@wvago.gov>>; 'James Kaste' <James.kaste@wyo.gov<mailto:James.kaste@wyo.gov>>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV<mailto:SPetrany@LAW.GA.GOV>>
Subject: OSHA - Petn for Initial En Banc Review

All,

Here is a proposed petition for initial en banc review. We have done our best to write it in a way that will appeal to those judges we most need to convince. We plan to file Monday at noon, so please send any joinder by Monday, November 22, at 10 AM Eastern.

Important: To be sure we do not miss you, please copy Josh Richardson in our office, who will keep a copy of all sign-ons. With all the emails Iâ€™m getting, Iâ€™m afraid I may miss one if you send it just to me. Joshâ€™s email address is Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>

Ben Flowers
Ohio Solicitor General
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All, The court already ordered DOJ to respond to Buckeyeâ€™s petition. The response is due on Tuesday. We now recommend seeking initial en banc reviewâ€”it will function as an amicus brief supporting Buckeyeâ€™s request. It would be easiest if we could simply respond to the en banc request. But I called the Sixth Circuit and Iâ€™m told it cannot do that. The Sixth Circuit plans to draft a short petition for initial en banc review. Its main function will be to signal that we arenâ€™t opposed to this plan. We will do our best to draft it today, circulate it tomorrow, and be ready to file Monday. One wrinkle: I donâ€™t think States on cases outside the Sixth Circuit can join our brief until the formal MDL docket is made. So if thereâ€™s no docket on Monday, my inclination would be to say in the brief that we have secured the â€œsupport of The States of ____, all of whom are parties to other cases consolidated for decision before the panel.â€ Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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All, The Sixth Circuit coalition met, and we recommend not filing yet. The dispositive fact, for us, is that weâ€™re reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isnâ€™t going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside. A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeyeâ€™s petition. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

I like the idea, but have a couple of thoughts.

First: as I understand it (and I may be wrong), CAS's stay remains in place and it's up CA6 as to whether to lift it. I'd want to see whether CA6 lifted the stay before deciding whether to go en banc. If they leave it in place, there's 1) far less of a justification for going initially en banc in terms of reliance interests, and 2) basically no need. The feds play the strategic acceleration/slowdown game all the time; I don't think we need to accommodate their desire for haste if we keep the stay.

If the stay went away—I'd agree entirely that we shouldn't leave ourselves to the vicissitudes of a bad panel draw when we're assured a good en banc. But perhaps we should let this play out a bit further before going that route.

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Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov> <
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Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov> <
Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>;
Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov> <
Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>; wstenehjem@nd.gov<
mailto:wstenehjem@nd.gov> <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>; masagsve@nd.gov<
mailto:masagsve@nd.gov> <masagsve@nd.gov<mailto:masagsve@nd.gov>>; tseibel@nd.gov<
mailto:tseibel@nd.gov> <tseibel@nd.gov<mailto:tseibel@nd.gov>>;
Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov> <
Benjamin.flowers@ohioattorneygeneral.gov<mailto:Benjamin.flowers@ohioattorneygeneral.gov>>;
May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov> <
May.Davis@ohioago.gov<mailto:May.Davis@ohioago.gov>>;
mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> <
mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>;

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Campbell < Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov> < Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>>; Judd Stone < Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; Grant Dorfman < Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov> < melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>>; rcantrell@agutah.gov<mailto:rcantrell@agutah.gov> <rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>>; lindsay.s.see@wyago.gov<mailto:lindsay.s.see@wyago.gov> < lindsay.s.see@wyago.gov<mailto:lindsay.s.see@wyago.gov>>; thomas.t.lampman@wyago.gov<mailto:thomas.t.lampman@wyago.gov> < thomas.t.lampman@wyago.gov<mailto:thomas.t.lampman@wyago.gov>>; Jessica.A.Lee@wyago.gov<mailto:Jessica.A.Lee@wyago.gov> < Jessica.A.Lee@wyago.gov<mailto:Jessica.A.Lee@wyago.gov>>; James Kaste < james.kaste@wyo.gov<mailto:james.kaste@wyo.gov>>; ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov> < ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>>; LaCour, Edmund < Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov> < nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>>; Vincent Wagner < vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; Christopher Baum < Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>> Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc? Louisiana agrees too! Sent from my iPhone On Nov 16, 2021, at 8:55 PM, Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. Hi all, As you have all undoubtedly seen, the Sixth Circuit was chosen by lottery for all of our challenges to the OSHA mandate. Although this is hardly an original thought, our inclination was to seek initial hearing en banc for the stay motions and petitions for review. We could certainly be convinced otherwise, but that approach seems justified by the enormous importance of the case and by the interest in avoiding an aberrational panel draw. If other states broadly agree, we propose filing a joint motion on behalf of all interested states and all co-petitioners. We think that approach will both improve the chances of initial en banc hearing being granted, and avoid annoying the court with multiple separate filings. We are certainly not Sixth Circuit experts, so please take suggestion with that grain of salt. Happy to discuss this either by email exchange or on the call Thursday. We are definitely not wedded to the concept, but thought it at least merited some discussion within our group. As they say on Twitter, Happy Lottery Day! (I suspect we may have had a happier one than some others though.) Sincerely, Drew The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Record 1341

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: OSHA - One More Update
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 10:48:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 10:48:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/21/2021 10:48:28.000 PM

Body

Great, thanks!

Sent from my Verizon, Samsung Galaxy smartphone
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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Sunday, November 21, 2021 9:34:23 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: OSHA - One More Update

Yes

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Sunday, November 21, 2021 7:36 PM
To: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: OSHA - One More Update

We are in this one, right?
Wayne

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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Sunday, November 21, 2021 2:52:15 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>
Subject: OSHA - One More Update

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One more update. According to the attached scheduling order, all petitions for initial en banc review are due Wednesday. (No problem there, as we'll file tomorrow.) It also tells us to make all filings in the filer's case plus in the consolidated case. I don't take that to bar us from filing a consolidated petitionâ€"we'll just file in the Sixth Circuit case plus in the consolidated lead case, listing all other cases at the top. And the Sixth Circuit is usually pretty reasonable about these things. To the extent there is an issue, I would think we could resolve it by having each coalition filing a me-too letter.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
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benjamin.flowers@ohioattorneygeneral.gov

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-----Original Message-----
From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Sunday, November 21, 2021 2:14 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Judd Stone <Judd.stone@oag.texas.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov;

Body	zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Jessica.A.Lee@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov> Subject: Re: OSHA - Petn for Initial En Banc Review Louisiana is in - we had private parties in our 5th Cir coalition. they can just submit a â€œwe join themâ€ filing? Sent from my iPhone On Nov 19, 2021, at 9:52 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Two updates: 1. So far, Florida, Alabama, and South Carolina have all signed on. 2. Based on (convincing) feedback weâ€™ve received, we will cut this line: â€œSo, if hearing this case en banc is the only way to decide it correctly, then the Court has no choice but to hear it en banc.â€ Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <James.Kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV> Subject: RE: OSHA - Petn for Initial En Banc Review All, The attached version of the petition for rehearing en banc corrects a nit and replaces an inadvertent omission. (Specifically, it now includes this sentence: â€œFirst, the Vaccine Mandate is a regulation of public health, plain and simple; its purpose and its effect is to regulate private healthcare decisions by making life harder for citizens who refuse to care for themselves in the federally approved manner.â€) Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby

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Sent: Thursday, November 18, 2021 10:44 AM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; 'Ensign, Drew' <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>>
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Subject: OSHA - Petn for Initial En Banc Review

All,

Here is a proposed petition for initial en banc review. We have done our best to write it in a way that will appeal to those judges we most need to convince. We plan to file Monday at noon, so please send any joinder by Monday, November 22, at 10 AM Eastern.

Important: To be sure we do not miss you, please copy Josh Richardson in our office, who will keep a copy of all sign-ons. With all the emails Iâ€™m getting, Iâ€™m afraid I may miss one if you send it just to me. Joshâ€™s email address is Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>

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All, The court already ordered DOJ to respond to Buckeyeâ€™s petition. The response is due on Tuesday. We now recommend seeking initial en banc reviewâ€”it will function as an amicus brief supporting Buckeyeâ€™s request. It would be easiest if we could simply respond to the en banc request. But I called the Sixth Circuit and Iâ€™m told it cannot do that. The Sixth Circuit plans to draft a short petition for initial en banc review. Its main function will be to signal that we arenâ€™t opposed to this plan. We will do our best to draft it today, circulate it tomorrow, and be ready to file Monday. One wrinkle: I donâ€™t think States on cases outside the Sixth Circuit can join our brief until the formal MDL docket is made. So if thereâ€™s no docket on Monday, my inclination would be to say in the brief that we have secured the â€œsupport of The States of ____, all of whom are parties to other cases consolidated for decision before the panel.â€ Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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All, The Sixth Circuit coalition met, and we recommend not filing yet. The dispositive fact, for us, is that weâ€™re reliability informed the Buckeye Institute will be seeking initial en banc review today. Our filing a similar request isnâ€™t going to move the ball, though it may irritate some members of the Court. Allowing Buckeye to do the work allows us to have the upside of a motion without any of the downside. A note about next steps. If the Court asks for a response, that would be a good sign that someone inclined to rule for us thinks we have an unfavorable panel but a favorable en banc court. For that reason, would recommend agreeing with the motion for initial en banc review in any response we file to Buckeyeâ€™s petition. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Subject: Re: OSHA Challenges - CA6 Request for Initial Hearing En Banc?

I like the idea, but have a couple of thoughts.

First: as I understand it (and I may be wrong), CASâ€™s stay remains in place and itâ€™s up CA6 as to whether to lift it. Iâ€™d want to see whether CA6 lifted the stay before deciding whether to go en banc. If they leave it in place, thereâ€™s 1) far less of a justification for going initially en banc in terms of reliance interests, and 2) basically no need. The feds play the strategic acceleration/slowdown game all the time; I donâ€™t think we need to accommodate their desire for haste if we keep the stay.

If the stay went awayâ€”Iâ€™d agree entirely that we shouldnâ€™t leave ourselves to the vicissitudes of a bad panel draw when weâ€™re assured a good en banc. But perhaps we should let this play out a bit further before going that route.

_____
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Louisiana agrees too! Sent from my iPhone On Nov 16, 2021, at 8:55 PM, Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. Hi all, As you have all undoubtedly seen, the Sixth Circuit was chosen by lottery for all of our challenges to the OSHA mandate. Although this is hardly an original thought, our inclination was to seek initial hearing en banc for the stay motions and petitions for review. We could certainly be convinced otherwise, but that approach seems justified by the enormous importance of the case and by the interest in avoiding an aberrational panel draw. If other states broadly agree, we propose filing a joint motion on behalf of all interested states and all co-petitioners. We think that approach will both improve the chances of initial en banc hearing being granted, and avoid annoying the court with multiple separate filings. We are certainly not Sixth Circuit experts, so please take suggestion with that grain of salt. Happy to discuss this either by email exchange or on the call Thursday. We are definitely not wedded to the concept, but thought it at least merited some discussion within our group. As they say on Twitter, Happy Lottery Day! (I suspect we may have had a happier one than some others though.) Sincerely, Drew The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

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We are filed. Thanks, everyone.

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(The only changes from last version are non-substantive.) Our plan is to file tomorrow (Monday) at about noon, so please let us know by **10 AM Eastern** if you would like to join or if you have any concerns. Two important nots: 1. I tried to use the signature blocks that you all included on your petitions initiating challenges in the other States. Let me know if you have any concerns or are for some reason not listed. 2. Some news from the Sixth Circuit. On Friday evening, the Court told us not to file a reply in support of our stay motion. Here is the docket text: > This is to advise that in light of the stay issued by the U.S. Fifth Circuit Court of Appeals relevant to this case, the reply to the response as ordered by letter of this Court dated November 7, 2021, need not be filed. I take this to mean that, as far as the CA6 is concerned, the CA5's stay isn't going away unless the federal government asks. And it hasn't yet, to my knowledge. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
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And we are in, right?
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We are filed. Thanks, everyone.

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Body	<Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov> **Subject:** RE: UPDATES - OSHA - Petn for Initial En Banc Review To clarify, we have you listed as joining unless your name is highlighted in yellow or missing. No need to reconfirm. 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If you have received this communication in error, please notify me immediately by telephone. **From:** Benjamin Flowers **Sent:** Sunday, November 21, 2021 11:46 AM **To:** 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'SL John, Joseph' <SLJohn@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov> **Subject:** UPDATES - OSHA - Petn for Initial En Banc Review All, I've attached the most up-to-date version of the brief. (The only changes from last version are non-substantive.) Our plan is to file tomorrow (Monday) at about noon, so please let us know by **10 AM Eastern** if you would like to join or if you have any concerns. Two important nots: 1. I tried to use the signature blocks that you all included on your petitions initiating challenges in the other States. Let me know if you have any concerns or are for some reason not listed. 2. Some news from the Sixth Circuit. On Friday evening, the Court told us not to file a reply in support of our stay motion. Here is the docket text: > This is to advise that in light of the stay issued by the U.S. Fifth Circuit Court of Appeals relevant to this case, the reply to the response as ordered by letter of this Court dated November 7, 2021, need not be filed. I take this to mean that, as far as the CA6 is concerned, the CA5's stay isn't going away unless the federal government asks. And it hasn't yet, to my knowledge. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
Attachments	12717.PDF

Record 1344

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aeisenbeis@nd.gov
Subject	Re: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:45:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:46:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:46:28.000 AM

Body

I am so glad you are continuing this wonderful tradition!!
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Eisenbeis, Ashley <aeisenbeis@nd.gov>
Sent: Monday, November 22, 2021 12:11:42 PM
To: -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov>
Subject: Hope For the Holidays Event

Hello everyone,

I am excited to announce that we will once again be participating in the Hope For the Holidays event this year for the Abused Adult Resource Center. We adopted 2 small families and the individuals within the family are located below. These lists are to give ideas of what you may purchase for them, if you wish, and you may purchase whatever you would like for them as well.

PLEASE NOTE: **When purchasing toys for children please be aware that due to the fact that a weapon may have been used during a violent incident, we request that no toy guns or weapons be purchased.**

Please make sure the items are new and are wrapped or in gift bags and PLEASE make sure the client ID number is clearly marked on each package. Each individual has a number and letter(s) to identify them.

We plan on dropping off the gifts around the 7th of December, so please have make your purchases accordingly.

Family 1

247BBB	Mom 35	shirt	**Medium**	Black thickheeled ab
		pant	**8**	King size bedding Gre
		shoe		
248BBB	Girl 9	shirt		White boots with hee
		pant		rings/necklaces, Ka
		shoe	**2**	
249BBB	Girl 7	shirt	**8**	Black knee high girl
		pant	**8**	
		shoe	**3**	

The family also has a service dog and here are some items for the dog: Dog Bed firm, 1" lead leash, Large sweater or shirt for Large Dog

Family 2

250CCC	Mom 25	shirt	**Small**	Medium winter coat,
		pant	**jeans 28**	Gif
		shoe		
251CCC	Boy 6	shirt	8	Jeans, spiderman ve
		pant	8	
		shoe		
252CCC	Boy 4	shirt	7	Jeans, winterboots, di
		pant	7	
		shoe	13	

You can bring the gifts either to my office or you can keep them with you until we get closer to the drop off time.

Thank You,

Ashley Eisenbeis
Human Resources Officer II
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
Email: aeisenbeis@nd.gov
Phone: 701-328-1256

Record 1345

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aeisenbeis@nd.gov
Subject	Re: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:45:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:46:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:46:28.000 AM

Body	I am so glad you are continuing this wonderful tradition!! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, November 22, 2021 12:11:42 PM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** Hope For the Holidays Event Hello everyone, I am excited to announce that we will once again be participating in the Hope For the Holidays event this year for the Abused Adult Resource Center. We adopted 2 small families and the individuals within the family are located below. These lists are to give ideas of what you may purchase for them, if you wish, and you may purchase whatever you would like for them as well. PLEASE NOTE: **When purchasing toys for children please be aware that due to the fact that a weapon may have been used during a violent incident, we request that no toy guns or weapons be purchased.** Please make sure the items are new and are wrapped or in gift bags and PLEASE make sure the client ID number is clearly marked on each package. Each individual has a number and letter(s) to identify them. We plan on dropping off the gifts around the 7th of December, so please have make your purchases accordingly. **Family 1** 247BBB — Mom 35 shirt: **Medium** — Black thickheeled ab pant: **8** — King size bedding Gre shoe: 248BBB — Girl 9 shirt: — White boots with hee pant: — rings/necklaces, Ka shoe: **2** 249BBB — Girl 7 shirt: **8** — Black knee high girl pant: **8** shoe: **3** **The family also has a service dog and here are some items for the dog: Dog Bed firm, 1" lead leash, Large sweater or shirt for Large Dog** **Family 2** 250CCC — Mom 25 shirt: **Small** — Medium winter coat, Gif pant: **jeans 28** shoe: 251CCC — Boy 6 shirt: 8 — Jeans, spiderman ve pant: 8 shoe: 252CCC — Boy 4 shirt: 7 — Jeans, winterboots, di pant: 7 shoe: 13 You can bring the gifts either to my office or you can keep them with you until we get closer to the drop off time. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email:** aeisenbeis@nd.gov **Phone: 701-328-1256**

Record 1346

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: UPDATES - OSHA - Petn for Initial En Banc Review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:56:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:56:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:56:39.000 AM

Body

Ok, thanks.

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Monday, November 22, 2021 12:49:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

Yes, we are in the caption.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Monday, November 22, 2021 11:46 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: UPDATES - OSHA - Petn for Initial En Banc Review

And we are in, right?
Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Monday, November 22, 2021 12:24:04 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

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We are filed. Thanks, everyone.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938

Body

benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Sunday, November 21, 2021 11:50 AM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

To clarify, we have you listed as joining unless your name is highlighted in yellow or missing. No need to reconfirm.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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Sent: Sunday, November 21, 2021 11:46 AM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>

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Yes, we are in the caption.

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We are filed. Thanks, everyone.

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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:57:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:57:30.000 AM

Body	Not until we visit in person. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 22, 2021 12:53:03 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Div. Dir. Civil Lit/Sol. Gen I spoke with Jim about the Civil Litigation Div. Dir. position last week. After thinking about it over the weekend, he has declined. Would you like me to have the position advertised internally before an external advertisement goes out?

Record 1349

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Div. Dir. Civil Lit/Sol. Gen
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:57:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:57:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:57:30.000 AM
Body	Not until we visit in person. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 22, 2021 12:53:03 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Div. Dir. Civil Lit/Sol. Gen I spoke with Jim about the Civil Litigation Div. Dir. position last week. After thinking about it over the weekend, he has declined. Would you like me to have the position advertised internally before an external advertisement goes out?

Record 1350

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov
Subject	Re: ND v. US Dept. of Interior - 1:21-cv-148
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:58:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:58:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:58:44.000 AM

Body	Either would work for me Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, November 22, 2021 11:26:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Fwd: ND v. US Dept. of Interior - 1:21-cv-148 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** We just received the email below from the Court suggesting either the afternoon of January 12 or anytime January 13 for a hearing on ND's mandamus motion in the DOI O&G leasing case. I can do either; do you have a preference? Though we might not get it, I think we should propose to the Court that 2 hours be set aside for the hearing (1 hour for each side) Begin forwarded message: **From:** NDD J-Traynor <ndd_J-Traynor@ndd.uscourts.gov> **Date:** November 22, 2021 at 9:07:03 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, masagsve@nd.gov, michael.sawyer@doj.gov, tisdel@westernlaw.org, hornbein@westernlaw.org, mfreeman@earthjustice.org, tdelehanty@earthjustice.org **Subject: ND v. US Dept. of Interior - 1:21-cv-148** ***EXTERNAL TO GT*** Good morning everyone, Judge Traynor would like to hold a hearing on the pending motion for writ of mandamus. We currently have the afternoon of January 12 or any time on January 13 available for the hearing. Unfortunately, our calendar doesn't really have much open besides those two days. Please let me know as soon as possible (1) if January 12 or 13 work for you and (2) how much time you believe will be necessary for the hearing. Please let me know if you have any questions. Thank you, **Conor Kennelly** Law Clerk Judge Daniel M. Traynor United States District Court District of North Dakota 701-530-2363 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1351

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov
Subject	Re: ND v. US Dept. of Interior - 1:21-cv-148
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:58:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:58:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 11:58:44.000 AM

Body	Either would work for me Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, November 22, 2021 11:26:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Fwd: ND v. US Dept. of Interior - 1:21-cv-148 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** We just received the email below from the Court suggesting either the afternoon of January 12 or anytime January 13 for a hearing on ND's mandamus motion in the DOI O&G leasing case. I can do either; do you have a preference? Though we might not get it, I think we should propose to the Court that 2 hours be set aside for the hearing (1 hour for each side) Begin forwarded message: **From:** NDD J-Traynor <ndd_J-Traynor@ndd.uscourts.gov> **Date:** November 22, 2021 at 9:07:03 AM MST **To:** "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, masagsve@nd.gov, michael.sawyer@doj.gov, tisdel@westernlaw.org, hornbein@westernlaw.org, mfreeman@earthjustice.org, tdelehanty@earthjustice.org **Subject: ND v. US Dept. of Interior - 1:21-cv-148** ***EXTERNAL TO GT*** Good morning everyone, Judge Traynor would like to hold a hearing on the pending motion for writ of mandamus. We currently have the afternoon of January 12 or any time on January 13 available for the hearing. Unfortunately, our calendar doesn't really have much open besides those two days. Please let me know as soon as possible (1) if January 12 or 13 work for you and (2) how much time you believe will be necessary for the hearing. Please let me know if you have any questions. Thank you, **Conor Kennelly** Law Clerk Judge Daniel M. Traynor United States District Court District of North Dakota 701-530-2363 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1352

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: November 29 IC meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:41:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:42:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:42:03.000 PM

Body	Thank you! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 22, 2021 2:38:17 PM **To:** Fine, Karlene K. <kfine@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: November 29 IC meeting I have changed the time on Wayne's calendar. Thank you Karlene! Alice **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Monday, November 22, 2021 1:22 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Johnson, Alice M. <amjohnson@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** November 29 IC meeting Liz & Alice and Wayne - I have changed the start time for the November 29 Industrial Commission meeting from 12:00 noon to 12:30 p.m. The Land Board will be meeting that morning in the Governor's Conference Room and we want to leave a little time between meetings for set up plus give the Commission members time to eat lunch. Please change your schedules to the 12:30 p.m. start time. Thank you. Karlene

Record 1353

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: November 29 IC meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:41:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:42:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:42:03.000 PM
Body	Thank you! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 22, 2021 2:38:17 PM **To:** Fine, Karlene K. <kfine@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: November 29 IC meeting I have changed the time on Wayne's calendar. Thank you Karlene! Alice **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Monday, November 22, 2021 1:22 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Johnson, Alice M. <amjohnson@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** November 29 IC meeting Liz & Alice and Wayne - I have changed the start time for the November 29 Industrial Commission meeting from 12:00 noon to 12:30 p.m. The Land Board will be meeting that morning in the Governor's Conference Room and we want to leave a little time between meetings for set up plus give the Commission members time to eat lunch. Please change your schedules to the 12:30 p.m. start time. Thank you. Karlene

Record 1354

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, bekeller@nd.gov
Subject	Fwd: Letter to State Agency Representatives Regarding the December 8, 2021, Legislative Audit and Fiscal Review Committee Meeting – CJK 112221
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:43:14.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:43:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:43:30.000 PM
Body	Ready? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** -Adm-Legislative Council <lcouncil@nd.gov> **Sent:** Monday, November 22, 2021 10:32:24 AM **To:** Dohrmann, Alan S. <alan.s.dohrmann.mil@mail.mil>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Gallion, Joshua C. <jcgallion@nd.gov>; Steinwand, Todd J. <tsteinwand@nd.gov>; Korslien, Renae <renae@ndstatefair.com>; Solberg, Col. Brandon J. <bjsolberg@nd.gov>; Flohr, David A. <dflohr@nd.gov>; Fine, Karlene K. <kfine@nd.gov>; Taylor, Vance <vtaylor@ndmill.com>; Ament, DeAnn M. <dament@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Migler, Jerome <jerome.migler@dakotacollege.edu>; president@minotstateu.edu <president@minotstateu.edu>; Armacost, Andrew <andrew.armacost@und.edu>; Hagerott, Mark <mark.hagerott@ndus.edu>; Klipfel, Bryan R. <bklipfel@nd.gov>; Meyer, Terry J. <terry.meyer@ndus.edu> **Cc:** Kadrmas, Chris J. <cjkadrmas@nd.gov>; Knudson, Allen H. <aknudson@nd.gov> **Subject:** Letter to State Agency Representatives Regarding the December 8, 2021, Legislative Audit and Fiscal Review Committee Meeting – CJK 112221 Please see the attached letter. The agenda mentioned in the letter can be found in the link below. https://www.legis.nd.gov/events/2021/12/08/legislative-audit-and-fiscal-review-committee Thank you.
Attachments	16066.pdf

Record 1355

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Fwd: Letter to State Agency Representatives Regarding the December 8, 2021, Legislative Audit and Fiscal Review Committee Meeting – CJK 112221
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:43:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:43:30.000 PM

Record 1356

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: November 29 IC meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:56:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:56:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:56:29.000 PM

Body	We are! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 22, 2021 2:42:52 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: November 29 IC meeting You're welcome! Hope you're having a wonderful time! It's not quite but almost FREEZING here! □□ --- **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 22, 2021 1:42 PM **To:** Johnson, Alice M. <amjohnson@nd.gov> **Subject:** Re: November 29 IC meeting Thank you! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android --- **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 22, 2021 2:38:17 PM **To:** Fine, Karlene K. <kfine@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: November 29 IC meeting I have changed the time on Wayne's calendar. Thank you Karlene! Alice --- **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Monday, November 22, 2021 1:22 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Johnson, Alice M. <amjohnson@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** November 29 IC meeting Liz & Alice and Wayne - I have changed the start time for the November 29 Industrial Commission meeting from 12:00 noon to 12:30 p.m. The Land Board will be meeting that morning in the Governor's Conference Room and we want to leave a little time between meetings for set up plus give the Commission members time to eat lunch. Please change your schedules to the 12:30 p.m. start time. Thank you. Karlene

Record 1357

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Re: November 29 IC meeting
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:56:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 1:56:29.000 PM

Record 1358

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Fwd: Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Departm ent of Interior et al Order on Motion for Hearing
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 2:26:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 2:26:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 2:26:48.000 PM

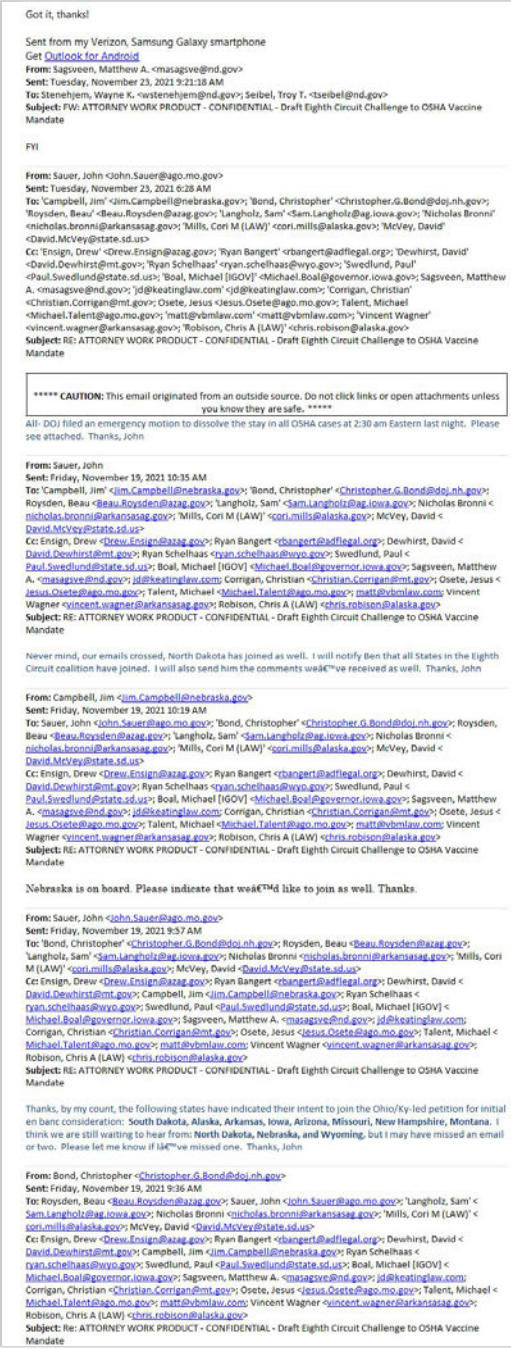
Body	For my calendar. W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, November 22, 2021 3:20:13 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Department of Interior et al Order on Motion for Hearing ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Judge Traynor granted the ND motion for a hearing – its on Jan 12th at 1:30pm CT Paul M. Seby Tel 303.572.6584 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Monday, November 22, 2021 1:13 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Department of Interior et al Order on Motion for Hearing ***EXTERNAL TO GT*** **This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.** *****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.** **U.S. District Court** **District of North Dakota** **Notice of Electronic Filing** The following transaction was entered on 11/22/2021 at 2:12 PM CST and filed on 11/22/2021 **Case Name:** State of North Dakota v. United States Department of Interior et al **Case Number:** 1:21-cv-00148-DMT-CRH **Filer:** **Document Number:** 33(No document attached) **Docket Text:** **(Text Only) ORDER by Judge Daniel M. Traynor granting [7] Motion for Hearing. Motion Hearing set for 1/12/2022 at 01:30 PM in Bismarck Courtroom 1 before Judge Daniel M. Traynor. (CK)** **1:21-cv-00148-DMT-CRH Notice has been electronically mailed to:** Michael S. Freeman mfreeman@earthjustice.org, dramirez@earthjustice.org, eajusco@earthjustice.org, egreer@earthjustice.org Matthew A. Sagsveen masagsve@nd.gov, jthiel@nd.gov Paul M. Seby sebyp@gtlaw.com, DENLitDock@GTLAW.com, lawsu@gtlaw.com Thomas R. Delehanty tdelehanty@earthjustice.org, dramirez@earthjustice.org, eajusco@earthjustice.org, egreer@earthjustice.org Michael Sawyer michael.sawyer@usdoj.gov, Richard.McNeer@sol.doi.gov, WENDY.DORMAN@sol.doi.gov, christopher.rhymes@sol.doi.gov, efile_nrs.enrd@usdoj.gov, lisa.bruno@sol.doi.gov Melissa A Hornbein hornbein@westernlaw.org Kyle James Tisdel tisdel@westernlaw.org **1:21-cv-00148-DMT-CRH Notice will not be electronically mailed to:** If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1359

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Fwd: Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Departm ent of Interior et al Order on Motion for Hearing
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 2:26:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/22/2021 2:26:48.000 PM

Record 1360

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 8:24:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 8:24:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 8:24:45.000 AM
Body	

Got it, thanks!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, November 23, 2021 9:21:18 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

FYI

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Tuesday, November 23, 2021 6:28 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Bond, Christopher' <Christopher.G.Bond@doj.nh.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Robison, Chris A (LAW)' <chris.robison@alaska.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All- DOJ filed an emergency motion to dissolve the stay in all OSHA cases at 2:30 am Eastern last night. Please see attached. Thanks, John

From: Sauer, John
Sent: Friday, November 19, 2021 10:35 AM
To: 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Bond, Christopher' <Christopher.G.Bond@doj.nh.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; McVey, David <David.McVey@state.sd.us>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Never mind, our emails crossed, North Dakota has joined as well. I will notify Ben that all States in the Eighth Circuit coalition have joined. I will also send him the comments weâ€™ve received as well. Thanks, John

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Friday, November 19, 2021 10:19 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Bond, Christopher' <Christopher.G.Bond@doj.nh.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; McVey, David <David.McVey@state.sd.us>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Nebraska is on board. Please indicate that weâ€™d like to join as well. Thanks.

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 19, 2021 9:57 AM
To: 'Bond, Christopher' <Christopher.G.Bond@doj.nh.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; McVey, David <David.McVey@state.sd.us>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks, by my count, the following states have indicated their intent to join the Ohio/Ky-led petition for initial en banc consideration: **South Dakota, Alaska, Arkansas, Iowa, Arizona, Missouri, New Hampshire, Montana.** I think we are still waiting to hear from: **North Dakota, Nebraska, and Wyoming**, but I may have missed an email or two. Please let me know if Iâ€™ve missed one. Thanks, John

From: Bond, Christopher <Christopher.G.Bond@doj.nh.gov>
Sent: Friday, November 19, 2021 9:36 AM
To: Roysden, Beau <Beau.Roysden@azag.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; McVey, David <David.McVey@state.sd.us>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

NH joins, and endorses the plan of Missouri notifying as well.

Best,

Chris Bond

From: Roysden, Beau <Beau.Roysden@azag.gov>
Sent: Friday, November 19, 2021 10:11 AM
To: 'Sauer, John'; 'Langholz, Sam'; Nicholas Bronni; 'Mills, Cori M (LAW)'; McVey, David
Cc: Ensign, Drew; Ryan Bangert; Dewhirst, David; Campbell, Jim; Bond, Christopher; Ryan Schelhaas; Swedlund, Paul; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; Corrigan, Christian; Osete, Jesus; Talent, Michael; matt@vbmlaw.com; Vincent Wagner; Robison, Chris A (LAW)
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Arizona will join too, and I like the plan of Missouri notifying.

From: Sauer, John [mailto:John.Sauer@ago.mo.gov]
Sent: Friday, November 19, 2021 8:10 AM
To: 'Langholz, Sam'; Nicholas Bronni; 'Mills, Cori M (LAW)'; McVey, David
Cc: Ensign, Drew; Roysden, Beau; Ryan Bangert; Dewhirst, David; Campbell, Jim; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Swedlund, Paul; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; Corrigan, Christian; Osete, Jesus; Talent, Michael; matt@vbmlaw.com; Vincent Wagner; Robison, Chris A (LAW)
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Missouri will join too, and I am happy to notify the Sixth Circuit coalition that we all join together if that is the consensus. I think weâ€™ve heard from most but not all states. Thanks, John

From: Langholz, Sam <Sam.Langholz@ag.iowa.gov>
Sent: Friday, November 19, 2021 9:00 AM
To: Nicholas Bronni <nicholas.bronni@arkansasag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; McVey, David <David.McVey@state.sd.us>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; beau.roysden@azag.gov; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim < Jim.Campbell@nebraska.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian < Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael < Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Iowa will also join. Please do confirm if the plan is as a group or whether we need to separately confirm with Ohio.

Sam

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Friday, November 19, 2021, 8:57 AM
To: 'Mills, Cori M (LAW)'; McVey, David
Cc: Sauer, John; Ensign, Drew; beau.roysden@azag.gov; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Swedlund, Paul; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; Corrigan, Christian; Osete, Jesus; Talent, Michael; matt@vbmlaw.com; Vincent Wagner; Robison, Chris A (LAW)
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

Arkansas is also happy to join.

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Friday, November 19, 2021 8:47 AM
To: McVey, David <David.McVey@state.sd.us>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>; Robison, Chris A (LAW) <chris.robison@alaska.gov>
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Alaska will join and we already sent our comments to John, Jesus and Jim (the awesome J trifecta!). I agree that collecting and sending them as a coalition is a good idea.

Thanks!

Cori Mills

Sent from my iPhone

> On Nov 19, 2021, at 3:47 AM, McVey, David <David.McVey@state.sd.us> wrote:
>
> South Dakota will join, I do agree with NH that it makes the most sense to collect comments and send them as a group.
>
> David M. McVey
>
> Assistant Attorney General
>
> ---
>
> **From:** Sauer, John <John.Sauer@ago.mo.gov>
> **Sent:** Thursday, November 18, 2021 11:30 AM
> **To:** 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; McVey, David <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
> **Cc:** 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
> **Subject:** RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
>
> All â€"
>
> In case you have not received it, here is Ohioâ€™s petition for en banc consideration in the OSHA case. I think they are offering States only (not private petitioners) the chance to join or express support for this, by Monday.
>
> Also, the Eighth Circuit entered its transfer order in our case a short time ago. Our panel was Judges Gruender, Kelly, and Kobes. Hopefully this means we will be docketed soon in the Sixth Circuit.

Body

Thanks, John

From: Sauer, John
Sent: Wednesday, November 17, 2021 2:30 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- FYI, MO AZ MT and NB just discussed, and we are all inclined to join/express support for Ohioâ€™s plan of seeking initial en banc consideration of both stay motion and merits in the Sixth Circuit (see Ben Flowersâ€™ recent email). Please let us know if anyone has concerns. Thanks, John

From: Sauer, John
Sent: Tuesday, November 16, 2021 3:13 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The MDL has consolidated the 34 OSHA cases in the Sixth Circuit. See notification email, attached. We will keep you apprised on next steps. Thanks, John

From: Sauer, John
Sent: Monday, November 15, 2021 12:31 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Here is the final, as-filed version of our Reply Brief. Thanks a lot to everyone who gave feedback on such short notice. I will let you know as soon as the Court takes any action. Thanks, John

From: Sauer, John
Sent: Monday, November 15, 2021 10:26 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>;

Body

'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Here is a pared-down version of the Reply that is just barely over the 2600 word limit. I am still receiving comments from you and will plan to incorporate those as well. I hope to file before noon Central. Thanks, John

---

From: Sauer, John
Sent: Monday, November 15, 2021 6:43 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

Attached please find a working draft of the Reply brief in support of our stay motion, which is due today at 3:00 pm Central. Because the Circuit lottery may be as soon as tomorrow, I would like to file this earlier than 3:00 pm if possible, to give the Eighth Circuit maximum opportunity to consider our arguments if it plans to issue a decision in the next 24 hours. So please provide any thoughts or comments as promptly as possible. (I am sorry for the quick turnaround.) Also, the current draft is at about 3060 words, without introduction. The word limit is 2600 and DOJ has consented in advance to 3500. I would like to get this as close as possible to the actual word limit, because the Court does not like word-limit extensions, so if you think there are good areas to cut, please let us know.

Thanks a lot, John

From: Sauer, John
Sent: Friday, November 12, 2021 5:36 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

The Fifth Circuit has extended its stay of the OSHA mandate in a 22-page opinion, see attached. This should give a lot of support for our reply brief due Monday.

From: Sauer, John
Sent: Friday, November 12, 2021 2:38 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

The Government has just filed its opposition to our motion to stay the OSHA mandate (along with motion for leave to file). See attached. We will start reviewing and drafting immediately, and attempt to get a mature draft reply circulated by Monday morning. Thanks, John

From: Sauer, John
Sent: Friday, November 12, 2021 11:54 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

As you have probably seen, DOJ is asking for our consent to file an overlength â€œcombinedâ€ response of about 7000 words to our motion to stay and the motion to stay in the consolidated private-party challenge (brought by Boyden Gray on behalf of Job Creators Network et al.). See attached email chain. I am not happy about this request because I think it is an obvious gambit to evade the 5200 word limitation for motion replies in FRAP 27. That said, I think it will be granted given the expedited briefing schedule, and the extra words will probably not make a big difference. I am considering telling DOJ that we will consent to this request if they will consent to a proportionate increase of words for our reply brief due Monday (i.e. from 2600 to 3500 words). Please let me know if anyone has thoughts.

Thanks, John

From: Sauer, John
Sent: Wednesday, November 10, 2021 1:57 PM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>
Cc: 'Ryan Bangert' <rbangert@adflegal.org>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Christopher.Bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'Corrigan, Christian' <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- The Eighth Circuit has just granted the motion for expedited consideration of the stay motion. The Governmentâ€™s Response is due Friday at 3:00 pm, and our Reply is due Monday at 3:00 pm. We will try to get a draft of the Reply circulated to you all by Monday morning.

Thanks, John

From: Sauer, John
Sent: Monday, November 8, 2021 8:31 AM
To: 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

Thanks to all â€" I have entered all changes. I have also added the additional (bolded) language to leave open the prospect of arguing that we are protected by the Fifth Circuitâ€™s stay. We will file asap. Thanks, John

P.S. â€œOSH Actâ€ is short for â€œOccupational Safety and Health Act,â€ but since several of you flagged that, I have changed it.

On November 6, 2021, the Fifth Circuit, facing a parallel motion to stay the ETS filed by private employers on November 5, entered a temporary administrative stay and ordered expedited briefing on the stay motion, with OSHAâ€™s brief responding to the stay motion due on November 8, and Petitionersâ€™ reply due on November 9. *See* Order in No. 21-60845 (5th Cir. Nov. 6, 2021) (attached as Ex. A). **Though the Fifth Circuitâ€™s order may be construed to have nationwide effect, it does not make an explicit statement on this point. *See id.* To avoid any confusion and to secure full protection of their rights,** Petitioners respectfully request that this Court enter a similar order here. Because Respondents will already be responding to a similar stay motion in the Fifth Circuit today, requesting a response to Petitionersâ€™ stay motion here by tomorrow should impose no prejudice on them.

From: Nicholas Bronni <nicholas.bronni@arkansasag.gov>
Sent: Monday, November 8, 2021 8:17 AM
To: 'McVey, David' <David.McVey@state.sd.us>; Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com; Vincent Wagner <vincent.wagner@arkansasag.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Good with us too. One additional typo: on first line of the argument section on page 2, granted should be grant.

From: McVey, David <David.McVey@state.sd.us>
Sent: Monday, November 8, 2021 8:09 AM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Nicholas Bronni <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

EXTERNAL EMAIL

Looks good. There were two small typos on page 3; see attached.

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

Body

david.mcvey@state.sd.us

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Monday, November 8, 2021 7:06 AM
To: 'Ensign, Drew' <Drew.Ensign@azag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: RE: [EXT] ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is a mature draft of a motion for expedited consideration that I propose filing in the Eighth Circuit at the opening of business today, i.e., around 8:30 am Central. Please let me know if anyone has any comments, and sorry for the short notice. Thanks, John

---

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, November 7, 2021 8:26 AM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>
Cc: Sauer, John <John.Sauer@ago.mo.gov>; Ryan Bangert <rbangert@adflegal.org>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Christopher.Bond@doj.nh.gov; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; jd@keatinglaw.com; McVey, David <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

That makes sense to me as well. If DOJ has to respond in the Fifth Circuit by 5pm CST tomorrow, there is no reason why they could not file a response to our motion raising similar arguments by midnight Monday, or at least 5pm Tuesday.

They have had far longer to prepare for this than us (and access to the ETS rule itself), so I don't think they have much of a leg to stand on (particularly with the 15-day state plan deadline).

Drew

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Saturday, November 6, 2021 4:10:49 PM
To: Roysden, Beau
Cc: Sauer, John; Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; Paul.Swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Agree. It makes sense.

Cori

Sent from my iPhone

> On Nov 6, 2021, at 2:43 PM, Roysden, Beau <Beau.Roysden@azag.gov> wrote:

Body

This makes a lot of sense to me.

From: Sauer, John [mailto:John.Sauer@ago.mo.gov]
Sent: Saturday, November 6, 2021 2:37 PM
To: Mills, Cori M (LAW)
Cc: Ryan Bangert; Dewhirst, David; Campbell, Jim; Langholz, Sam; Bronni, Nicholas; Christopher.Bond@doj.nh.gov; Ryan Schelhaas; paul.swedlund@state.sd.us; Boal, Michael [IGOV]; Sagsveen, Matthew A.; jd@keatinglaw.com; McVey, David; Corrigan, Christian; Roysden, Beau; Ensign, Drew; Osete, Jesus; Talent, Michael; matt@vbmlaw.com
Subject: Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- As you may have seen, the Fifth Circuit granted a temporary stay and ordered expedited briefing on the Texas Policy Foundation's stay motion this afternoon. In light of that, I plan to prepare a motion for similarly expedited consideration of our stay motion, requesting a ruling in a week. I will cite the concerns of the state plan states that must now act within 15 days, among others. Please let me know if anyone has concerns about that approach. Thanks, John

Sent from my iPhone

On Nov 6, 2021, at 11:51 AM, Mills, Cori M (LAW) <cori.mills@alaska.gov> wrote:

> Ditto! Great job!
>
> Cori Mills
>
> Sent from my iPhone
>
> On Nov 6, 2021, at 7:52 AM, Ryan Bangert <rbangert@adflegal.org> wrote:
>
> > Amen. Thank you, John, for leading on this.
> >
> > ---
> >
> > <logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png>
> >
> > Ryan Bangert
> > Senior Counsel, VP of Legal
> > +1 480 444 0020 (Office)
> > 480-444-0028 (Fax)
> > rbangert@adflegal.org
> >
> > ADFlegal.org
> >
> > ---
> >
> > **From:** Dewhirst, David <David.Dewhirst@mt.gov>
> > **Sent:** Friday, November 5, 2021 7:32 PM
> > **To:** Sauer, John <John.Sauer@ago.mo.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>; Corrigan, Christian <Christian.Corrigan@mt.gov>
> > **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
> > **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
> >
> > *EXTERNAL*

Body

Thanks for your work on this, John. Itâ€™s excellent. Proud to be in this with you all.

—

David Dewhirst

Solicitor General

Office of Montana Attorney General Austin Knudsen

david.dewhirst@mt.gov

406.444.4145

CONFIDENTIALâ€"PRIVILEGEDâ€"DELIBERATIVE

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# # #

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Friday, November 5, 2021 4:07 PM
To: Campbell, Jim <jim.campbell@nebraska.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

Attached please find file-stamped copies of the stay motion and attached exhibits A-M. Thanks a lot for everyoneâ€™s contribution to this effort!!

Thanks, John

From: Sauer, John
Sent: Friday, November 5, 2021 4:04 PM
To: 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <

Body	mattarvbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached please find an updated and proposed final version of the stay motion that is slightly under the Word limit. Thanks a lot to everyone who provided substantive feedback and edits on such short notice. I have tried to incorporate everyoneâ€™s input and comments. We are inserting TOC/TOA now, and will plan to file by around 5:00 pm Central. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 2:12 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adfllegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Please find attached an updated draft of the stay motion that is close to the word limit (sans introduction and citations of declarations). We hope to finalize and file by 4:00 pm today, so please let me know asap if you have any thoughts, questions, or concerns. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 10:44 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adfllegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- As we are working to update and finalize the stay motion, I have collected all the final versions of declarations that I currently have to support the stay motion. These are all attached. **If we are still waiting for a declaration from you, or if you have sent it and I missed it (which is very possible), please send it to me ASAP.** We hope to file by mid- to late afternoon today. Thanks a lot, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 9:17 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz,

Body	Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' < christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' < ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' < Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' < Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' < rbangert@adflegal.org>; 'jd@keatinglaw.com' < jd@keatinglaw.com>; 'McVey, David' < David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael < Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate By way of update, attached is the email we sent this morning to OSHA's designated service address for challenges to this ETS. We are asking their consent to an administrative stay pending consideration of the stay motion, a stay pending judicial review, and expedited briefing on the stay motion. Notwithstanding what I said yesterday, we are going to try mightily to get the stay motion on file today, so please look for an updated draft this afternoon. Thanks, John **From:** Sauer, John **Sent:** Friday, November 5, 2021 6:36 AM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Bronni, Nicholas' < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' < christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' < ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' < Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' < Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' < rbangert@adflegal.org>; 'jd@keatinglaw.com' < jd@keatinglaw.com>; 'McVey, David' < David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael < Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate All- Attached are the final PDFs of the Petition for Review and Exhibit A that we filed this morning. We received electronic confirmation that the filing fee was processed, but it appears that we will not get file-stamped versions until the clerks come into the office this morning. We are working to update the motion to stay and will get you the updated draft asap. Thanks a lot, John **From:** Sauer, John **Sent:** Thursday, November 4, 2021 4:30 PM **To:** 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas < nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' < christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' < ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' < Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' < Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' < rbangert@adflegal.org>; 'jd@keatinglaw.com' < jd@keatinglaw.com>; 'McVey, David' < David.McVey@state.sd.us> **Cc:** 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus < Jesus.Osete@ago.mo.gov>; Talent, Michael < Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' < matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

Entered these too, thanks!

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Thursday, November 4, 2021 4:25 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks, John. I agree with David that it looks good. Attached are three or four nits for your consideration.

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 3:53 PM
To: 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Thanks â€™ve entered those changes

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Thursday, November 4, 2021 3:46 PM
To: Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

This looks very good to us. Iâ€™ve suggested just a couple nits in the attached redline.

—

David Dewhirst

Solicitor General

Office of Montana Attorney General Austin Knudsen

david.dewhirst@mt.gov

406.444.4145

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\# \# \#

From: Sauer, John <John.Sauer@ago.mo.gov>
Sent: Thursday, November 4, 2021 2:00 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: [EXTERNAL] RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Attached is an updated draft of the OSHA Petition for Review that includes a summary of reasons why the ETS should be vacated (at a high level of generality). Please let me know if anyone has concerns about this summary. Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 2:26 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>; 'McVey, David' <David.McVey@state.sd.us>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

Body

Looping David McVey of SD into this email chain

From: Sauer, John
Sent: Thursday, November 4, 2021 1:35 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

P.S. We will also plan to update the PJR to include a brief statement forecasting our arguments on the merits, to make our initial filing tomorrow morning more substantive. I will circulate the updated version by this afternoon. Thanks a lot, John

From: Sauer, John
Sent: Thursday, November 4, 2021 1:03 PM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'beau.roysden@azag.gov' <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All- Given the length of the ETS, which we are still digesting, we propose filing the PJR tomorrow morning at the opening of business, but target filing the stay motion on Monday. Based on our review so far, we plan to re-work some of the arguments in the draft stay motion to address OSHAâ€™s points, and weâ€™d rather take the extra business day to get it right. If you are still preparing declarations, please get them to us by COB tomorrow. (I think I have finalized declarations from Montana, Nebraska, New Hampshire, Wyoming, Missouri, AAI, and Doolittle). Thanks, John

From: Sauer, John
Sent: Thursday, November 4, 2021 7:54 AM
To: 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <

Body	jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate Looks like they put an unpublished version on the federal register with intent to publish tomorrow: https://www.federalregister.gov/public-inspection/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard [federalregister.gov] Probably the best course is to file the PJR tomorrow morning, at the same time as the stay motion (which we will be able to update and finalize today) â€" Does that sound like a good course of action to all? **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Thursday, November 4, 2021 6:32 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>; 'matt@vbmlaw.com' <matt@vbmlaw.com> **Subject:** Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate John, I thought we needed to wait to file until our petition until the ETS is actually published in the Federal Register. Today's Federal Register is already out and does not include the ETS, so tomorrow is the earliest it could be published. Am I mistaken about that? Sam **From:** Sauer, John <John.Sauer@ago.mo.gov> **Sent:** Thursday, November 4, 2021 5:56:51 AM **To:** 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com> **Cc:** beau.roysden@azag.gov <beau.roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>

Body

Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

All-

We are anticipating that the OSHA mandate will be announced this morning at 7:45 am Central. We would like to file the Petition for Judicial Review as soon as possible after it is announced. Attached is the near-final Petition for Judicial Review, which is virtually the same as the one I circulated last week, with minor formatting changes. There are still highlighted blanks for the Fed. Reg. cites, but otherwise it should be final. I understand that Missouri still has full authority from each of you to file this in the Eighth Circuit on your behalf, and we will pull the trigger as soon as we can. If anyone has last-minute changes or objections, please let me know before 7:30 am Central.

Once we have the mandate, we will also plan to update the stay motion and circulate it for review as soon as possible as well. I would like to have it on file by tomorrow morning if possible.

Thanks a lot for your support in this important project!!

Thanks a lot, John

From: Sauer, John
Sent: Tuesday, October 26, 2021 6:47 AM
To: 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Sagsveen, Matthew A.' <masagsve@nd.gov>; 'Ryan Bangert' <rbangert@adflegal.org>; 'matt@vbmlaw.com' <matt@vbmlaw.com>; 'jd@keatinglaw.com' <jd@keatinglaw.com>
Cc: 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Dewhirst, David' <david.dewhirst@mt.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Talent, Michael <Michael.Talent@ago.mo.gov>
Subject: RE: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate

ATTORNEY WORK PRODUCT â€" PRIVILEGED â€" CLOSED RECORD

Dear Counsel-

We have heard rumors that the OSHA ETS mandating vaccines for employers with 100+ employees may be published today. These rumors may or may not be accurate, but we would like to be prepared to file the Petition for Review immediately after the ETS is published, and follow up with the stay motion within one business day. Attached are updated circulation drafts of the Petition for Review and Stay Motion. I think I have received confirmation of joining from all potentially interested States except South Dakota. If you have joined but I am still missing your signature block (**Arizona, Montana, Arkansas, Iowa, Alaska**), please send it asap this morning so that we can be poised to file the Petition right away if necessary. Also, if you are still working on state or employer declarations, please work on finalizing them promptly, as we expect a one-day turnaround between the ETSâ€™s publication and filing the stay motion.

By joining, you are designating me and the Missouri AGO to jointly represent your State for the sole purpose of this

Body	case in the Eighth Circuit (and SCOTUS, if necessary). This will avoid the need to file multiple briefs for each co-petitioner. Thanks a lot for your support in this project! Thanks, John Sauer **From:** Sauer, John **Sent:** Thursday, October 14, 2021 1:34 PM **To:** cori.mills@alaska.gov; 'Nicholas Bronni' < nicholas.bronni@arkansasag.gov>; christopher.bond@doj.nh.gov; Ryan Schelhaas < ryan.schelhaas@wyo.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'wstenehjem@nd.gov' < wstenehjem@nd.gov>; 'Boal, Michael [IGOV]' < Michael.Boal@governor.iowa.gov> **Cc:** 'Roysden, Beau' <Beau.Roysden@azag.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Dewhirst, David < david.dewhirst@mt.gov>; 'Campbell, Jim' < Jim.Campbell@nebraska.gov> **Subject:** ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate PRIVILEGED â€" ATTORNEY WORK PRODUCT â€" JOINT DEFENSE PRIVILEGE â€" CLOSED RECORD Dear Counsel- As I have discussed with many of you, Missouri, Arizona, Montana, and Nebraska are planning to file a legal challenge in the Eighth Circuit to OSHAâ€™s anticipated vaccine mandate for employers with 100 or more employees. The proposed rule was sent by OSHA to OIRA on Tuesday, and we anticipate it may be published as soon as tomorrow. Once it is filed, we anticipate filing a petition for judicial review immediately, and following up as soon as possible with a motion for stay of the ETS pending judicial review. Attached are advance drafts of those two pleadings. Please note that the stay motion is anticipatory and subject to change, because we donâ€™t have a copy of the ETS yet, but the draft should provide an outline of most likely major lines of argument. Please let us know if you would like to join this coalition challenging the ETS, and if so, please send a signature block for your State or private employer. We intend to file the PJR as quickly as possible after the ETS is promulgated, so the sooner you could let us know, the better. Also, attached please find sample declarations for States and private employers that detail the adverse impact of the ETS on petitioners. If you pull together a similar declaration for your State (and feel free to expand on it if you have other injuries), that would be very helpful. In addition to these, "Iowa," could you please provide a declaration that explains your status as a â€œstate-plan Stateâ€? Thanks a lot, John Sauer This email message, including the attachments, is from the Missouri Attorney Generalâ€™s Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by Â§ 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1361

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Re: ATTORNEY WORK PRODUCT - CONFIDENTIAL - Draft Eighth Circuit Challenge to OSHA Vaccine Mandate
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 8:24:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 8:24:45.000 AM

Record 1362

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Fwd: Sixth Circuit Attorney Admissions
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:46:59.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:47:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:47:07.000 AM
Body	

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Brandon J. Smith <Brandon.Smith@ag.tn.gov>
Sent: Tuesday, November 23, 2021 10:14:21 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree S. Blumstein <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; Kane, Brian <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Lindsay S. See <Lindsay.S.See@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mithun Mansinghani <mithun.mansinghani@oag.ok.gov>
Subject: Sixth Circuit Attorney Admissions

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Good morning, all,

For those needing to get someone admitted to the Sixth Circuit for the OSHA challenge, here are some instructions. I'm happy to help coordinate this process and help answer questions as best I can. The general instructions are here.

1. First, Complete this form and oath. It requires someone already admitted to sign.
2. If you need someone admitted in the 6th to sign your form, fill out the rest of the form and email it to me. I will print, sign, and email it back to you.
3. Obtain a method of payment for the $238 fee (paid electronically or via check)
4. The best way to submit both the form and the fee is electronically via the CM/ECF system – which will allow you to simply attach the admission form as a pdf.
5. However, you must register for a Sixth Circuit CM/ECF account to pay fees and submit the form. (let me know if you're unsure how to do this)
6. The bar admission link is found under the "Utilities" tab within the Sixth Circuit's CM/ECF.
7. Alternatively, you can mail in your form and payment via snail mail.

Please let me know if you have questions.
Best,
Brandon

Brandon James Smith
Assistant Solicitor General &
Director of Policy and Federalism
Office of the Tennessee Attorney General & Reporter
P.O. Box 20207
Nashville, TN 37202
615-532-4081 (Office)
615-741-2009 (Fax)

Record 1363

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Fwd: Sixth Circuit Attorney Admissions
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:47:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:47:07.000 AM

Record 1364

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov, agcap1@nd.gov, agcapgrd@nd.gov, agfinance@nd.gov

Subject	Re: treats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:49:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:49:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:49:27.000 AM
Body	Noooo! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Tuesday, November 23, 2021 10:45:46 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov>; -Grp-AG Finance <agfinance@nd.gov> **Subject:** treats Laura brought in donuts and there are some Crumble cookies. Enjoy! MK

Record 1365

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Re: treats
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:49:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:49:27.000 AM

Record 1366

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Fwd: UPDATES - OSHA - Petn for Initial En Banc Review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 10:46:53.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 10:47:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 10:47:51.000 AM

Body

Have we done this ?
Granted permission, I mean?
W

Sent from my Verizon, Samsung Galaxy smartphone
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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Monday, November 22, 2021 3:38:43 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

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The Sixth Circuit has asked me to file a statement saying I had permission from all the other States to file. I will plan to do that, even though I strongly believe it is unnecessary.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Monday, November 22, 2021 12:24 PM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov'

Body	'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov> **Subject:** RE: UPDATES - OSHA - Petn for Initial En Banc Review We are filed. Thanks, everyone. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov> **Subject:** RE: UPDATES - OSHA - Petn for Initial En Banc Review To clarify, we have you listed as joining unless your name is highlighted in yellow or missing. No need to reconfirm. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511

Body	Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. **From:** Benjamin Flowers **Sent:** Sunday, November 21, 2021 11:46 AM **To:** 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov> **Subject:** UPDATES - OSHA - Petn for Initial En Banc Review All, I've attached the most up-to-date version of the brief. (The only changes from last version are non-substantive.) Our plan is to file tomorrow (Monday) at about noon, so please let us know by **10 AM Eastern** if you would like to join or if you have any concerns. Two important nots: 1. I tried to use the signature blocks that you all included on your petitions initiating challenges in the other States. Let me know if you have any concerns or are for some reason not listed. 2. Some news from the Sixth Circuit. On Friday evening, the Court told us not to file a reply in support of our stay motion. Here is the docket text: > This is to advise that in light of the stay issued by the U.S. Fifth Circuit Court of Appeals relevant to this case, the reply to the response as ordered by letter of this Court dated November 7, 2021, need not be filed. I take this to mean that, as far as the CA6 is concerned, the CA5's stay isn't going away unless the federal government asks. And it hasn't yet, to my knowledge. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Record 1367

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Fwd: UPDATES - OSHA - Petn for Initial En Banc Review
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 10:47:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 10:47:51.000 AM

Record 1368

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Fwd: Baker Hughes Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:31:32.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:31:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:31:34.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Paulson, Bob L. <bpaulson@nd.gov> **Sent:** Tuesday, November 23, 2021 10:11:15 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Baker Hughes Vaccine Mandate Wayne, I had a constituent forward this vaccine mandate from their employer. I plan to reach out to the employer, but want to make sure I have my facts straight. From my perspective, there is currently no federal mandate, as the OSHA rule was stayed by the circuit court. In that event, the employer should follow state law, specifically HB 1511 as recently passed. So they should allow proof of antibodies, regular testing and philosophical/moral exemptions as an option instead of taking the vaccine. Am I off base here? Thank you! Best regards, Bob Bob Paulson State Representative District 3 – Minot Cell: 701-833-4752 bpaulson@nd.gov Judiciary Committee Transportation Committee -----Original Message----- From: Austin F <oilfield33@yahoo.com> Sent: Tuesday, November 23, 2021 9:01 AM To: Paulson, Bob L. <bpaulson@nd.gov> Subject: Baker Hughes Vaccine Mandate ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****
Attachments	16065.pdf

Record 1369

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Fwd: Baker Hughes Vaccine Mandate
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:31:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:31:34.000 PM

Record 1370

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Meeting Request w/Lonnie & Steve
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:33:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:33:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:33:37.000 PM

Body	That will be fine for Lonnie and Steve Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Tuesday, November 23, 2021 1:04:00 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Meeting Request w/Lonnie & Steve Hi Wayne - Lonnie and Steve Harstad would like to set up a quick ½ hour meeting with you tomorrow morning at 8:30. I told Lonnie that I needed your go-ahead before I set anything up that early since you are just getting back into the office tomorrow. Please let me know if the 8:30 am will work or if you suggest another time. (Karlene is at 10am and JMichael Kumen is at 11am). *Alice M. Johnson, ACP* *Advance Certified Paralegal* *Office of Attorney General* *600 E. Boulevard Ave., Dep't 125* *Bismarck, ND 58505-0040* *(701) 328-2211*
Attachments	12871.gov, 12872.gov

Record 1371

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Subject	Re: Meeting Request w/Lonnie & Steve
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:33:37.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:33:37.000 PM

Record 1372

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: UPDATES - OSHA - Petn for Initial En Banc Review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:35:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:36:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:36:34.000 PM

Body

Are other AGs getting admitted, or are you sufficient ?

Sent from my Verizon, Samsung Galaxy smartphone
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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, November 23, 2021 1:55:47 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

I am in the process of getting admitted, also.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, November 23, 2021 10:48 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: UPDATES - OSHA - Petn for Initial En Banc Review

Have we done this ?
Granted permission, I mean?
W

Sent from my Verizon, Samsung Galaxy smartphone
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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Monday, November 22, 2021 3:38:43 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <STJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wyago.gov <lindsay.s.see@wyago.gov>; thomas.t.lampman@wyago.gov <thomas.t.lampman@wyago.gov>; Jessica.A.Lee@wyago.gov <Jessica.A.Lee@wyago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

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The Sixth Circuit has asked me to file a statement saying I had permission from all the other States to file. I will plan to do that, even though I strongly believe it is unnecessary.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <

Body

James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <James.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

We are filed. Thanks, everyone.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Sunday, November 21, 2021 11:50 AM
To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <Jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <James.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

To clarify, we have you listed as joining unless your name is highlighted in yellow or missing. No need to reconfirm.

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Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <James.Kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov> **Subject:** UPDATES - OSHA - Petn for Initial En Banc Review All, I've attached the most up-to-date version of the brief. (The only changes from last version are non-substantive.) Our plan is to file tomorrow (Monday) at about noon, so please let us know by **10 AM Eastern** if you would like to join or if you have any concerns. Two important nots: 1. I tried to use the signature blocks that you all included on your petitions initiating challenges in the other States. Let me know if you have any concerns or are for some reason not listed. 2. Some news from the Sixth Circuit. On Friday evening, the Court told us not to file a reply in support of our stay motion. Here is the docket text: > This is to advise that in light of the stay issued by the U.S. Fifth Circuit Court of Appeals relevant to this case, the reply to the response as ordered by letter of this Court dated November 7, 2021, need not be filed. I take this to mean that, as far as the CA6 is concerned, the CA5's stay isn't going away unless the federal government asks. And it hasn't yet, to my knowledge. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

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Subject	Re: UPDATES - OSHA - Petn for Initial En Banc Review
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:36:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 1:36:34.000 PM

Record 1374

Sender Name	Stenehjem, Wayne K.
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Recipients	masagsve@nd.gov
Subject	Re: UPDATES - OSHA - Petn for Initial En Banc Review
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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 2:04:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 2:04:17.000 PM
Body	Ok, thanks for letting me know. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 23, 2021 2:37:18 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: UPDATES - OSHA - Petn for Initial En Banc Review The AG's are not getting admitted as far as I can tell. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 23, 2021 1:37 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Re: UPDATES - OSHA - Petn for Initial En Banc Review Are other AGs getting admitted, or are you sufficient ? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 23, 2021 1:55:47 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: UPDATES - OSHA - Petn for Initial En Banc Review I am in the process of getting admitted, also. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 23, 2021 10:48 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: UPDATES - OSHA - Petn for Initial En Banc Review Have we done this ? Granted permission, I mean? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Monday, November 22, 2021 3:38:43 PM **To:** Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov> **Subject:** RE: UPDATES - OSHA - Petn for Initial En Banc Review ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** The Sixth Circuit has asked me to file a statement saying I had permission from all the other States to file. I will plan to do that, even though I strongly believe it is unnecessary. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying

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Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <Jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

We are filed. Thanks, everyone.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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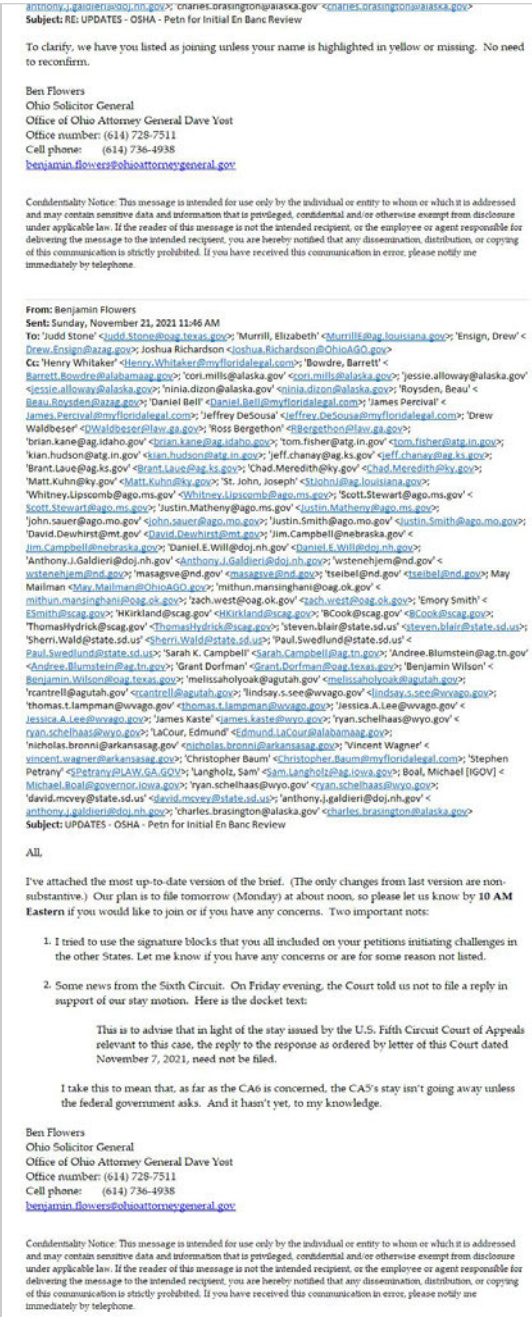
To: 'Judd Stone' <Judd.Stone@oag.texas.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <

Body	

Record 1375

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: UPDATES - OSHA - Petn for Initial En Banc Review
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 2:04:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 2:04:16.000 PM
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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, November 23, 2021 2:37:18 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

The AG's are not getting admitted as far as I can tell.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, November 23, 2021 1:37 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: UPDATES - OSHA - Petn for Initial En Banc Review

Are other AGs getting admitted, or are you sufficient ?

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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, November 23, 2021 1:55:47 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

I am in the process of getting admitted, also.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, November 23, 2021 10:48 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: UPDATES - OSHA - Petn for Initial En Banc Review

Have we done this ?
Granted permission, I mean?
W

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Sent: Monday, November 22, 2021 3:38:43 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov <cori.mills@alaska.gov>; jessie.alloway@alaska.gov <jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov <Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Sherri.Wald@state.sd.us <Sherri.Wald@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Jessica.A.Lee@wvago.gov <Jessica.A.Lee@wvago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov <anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

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The Sixth Circuit has asked me to file a statement saying I had permission from all the other States to file. I will plan to do that, even though I strongly believe it is unnecessary.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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Cc: 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'ninia.dizon@alaska.gov' <ninia.dizon@alaska.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'brian.kane@ag.idaho.gov' <brian.kane@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <Jeff.chanay@ag.ks.gov>; 'Brant.Laue@ag.ks.gov' <Brant.Laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Matt.Kuhn@ky.gov' <Matt.Kuhn@ky.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Whitney.Lipscomb@ago.ms.gov' <Whitney.Lipscomb@ago.ms.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'john.sauer@ago.mo.gov' <john.sauer@ago.mo.gov>; 'Justin.Smith@ago.mo.gov' <Justin.Smith@ago.mo.gov>; 'David.Dewhirst@mt.gov' <David.Dewhirst@mt.gov>; 'Jim.Campbell@nebraska.gov' <Jim.Campbell@nebraska.gov>; 'Daniel.E.Will@doj.nh.gov' <Daniel.E.Will@doj.nh.gov>; 'Anthony.J.Galdieri@doj.nh.gov' <Anthony.J.Galdieri@doj.nh.gov>; 'wstenehjem@nd.gov' <wstenehjem@nd.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'zach.west@oag.ok.gov' <zach.west@oag.ok.gov>; 'Emory Smith' <ESmith@scag.gov>; 'HKirkland@scag.gov' <HKirkland@scag.gov>; 'BCook@scag.gov' <BCook@scag.gov>; 'ThomasHydrick@scag.gov' <ThomasHydrick@scag.gov>; 'steven.blair@state.sd.us' <steven.blair@state.sd.us>; 'Sherri.Wald@state.sd.us' <Sherri.Wald@state.sd.us>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'rcantrell@agutah.gov' <rcantrell@agutah.gov>; 'lindsay.s.see@wvago.gov' <lindsay.s.see@wvago.gov>; 'thomas.t.lampman@wvago.gov' <thomas.t.lampman@wvago.gov>; 'Jessica.A.Lee@wvago.gov' <Jessica.A.Lee@wvago.gov>; 'James Kaste' <james.kaste@wyo.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'nicholas.bronni@arkansasag.gov' <nicholas.bronni@arkansasag.gov>; 'Vincent Wagner' <vincent.wagner@arkansasag.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Stephen Petrany' <SPetrany@LAW.GA.GOV>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; 'david.mcvey@state.sd.us' <david.mcvey@state.sd.us>; 'anthony.j.galdieri@doj.nh.gov' <anthony.j.galdieri@doj.nh.gov>; 'charles.brasington@alaska.gov' <charles.brasington@alaska.gov>
Subject: RE: UPDATES - OSHA - Petn for Initial En Banc Review

We are filed. Thanks, everyone.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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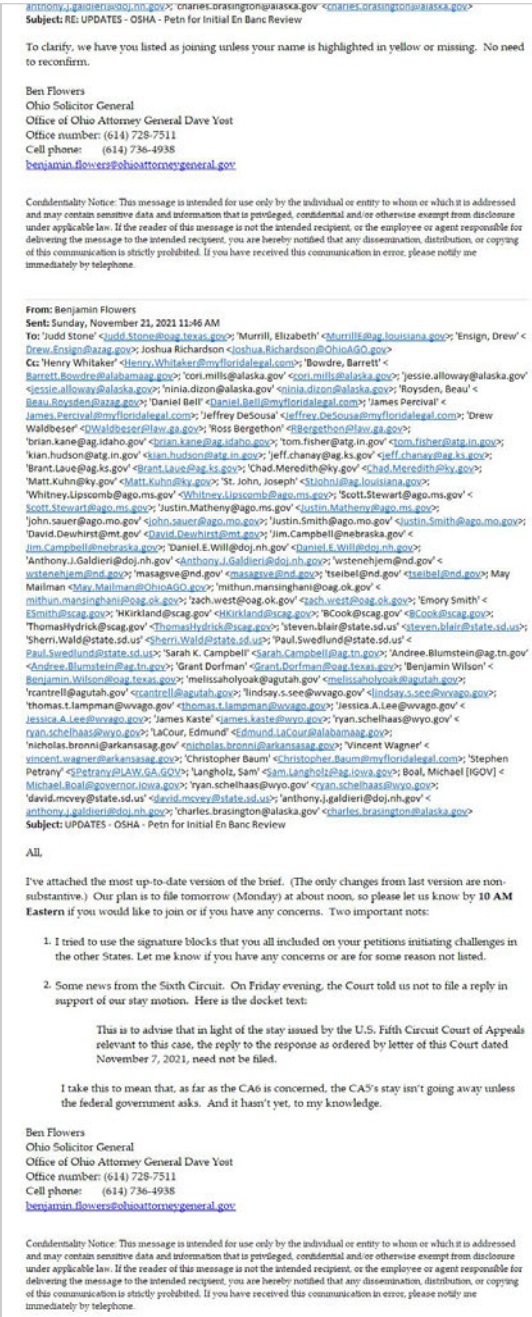
Body	

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Subject	Re: WVa v. EPA, No. 20-1530, et al. -- re extension of time for respondents' briefs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 3:20:31.000 PM
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From: Sean Donahue <sean@donahuegoldberg.com>
Sent: Tuesday, November 23, 2021 11:58 AM
To: Grossman, Andrew M <agrossman@bakerlaw.com>; Tseytlin, Misha <misha.tseytlin@troutman.com>; Roth, Yaakov M. <yroth@jonesday.com>; Lindsay S. See <lindsay.s.see@wvago.gov>; elin@HuntonAK.com; Emily Schilling <ecschilling@hollandhart.com>; TRVanBockern@hollandhart.com; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov) <Eric.Feigin@usdoj.gov>; Stewart, Malcolm L (OSG) <malcolm.l.stewart@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov>
Cc: bbrinkmann@cov.com; B. UNDERWOOD <Barbara.Underwood@ag.ny.gov>; steven.wu@ag.ny.gov
Subject: WVa v. EPA, No. 20-1530, et al. -- re extension of time for respondents' briefs

EXTERNAL TO GT

Dear Counsel,

§44-04-19.1

Best,
Sean

On Mon, Nov 22, 2021 at 8:39 AM Denise McNerney <dmcnerney@supremecourt.gov> wrote:
>

Body

§44-04-19.1

> Denise McNerney
>
>
>
> Merits Cases Clerk
>
> Office of the Clerk, Supreme Court U.S.
>
> (202) 479-3032
>
>
>
> From: Sean Donahue <sean@donahuegoldberg.com>
> Sent: Thursday, November 18, 2021 1:48 PM
> To: Denise McNerney <dmcnerney@supremecourt.gov>
> Cc: agrossman@bakerlaw.com; misha.tseytlin@troutman.com;
> yroth@jonesday.com; lindsay.s.see@wvago.gov; bbrinkmann@cov.com;
> elin@HuntonAK.com; ecschilling@hollandhart.com; B. UNDERWOOD
> <Barbara.Underwood@ag.ny.gov>; steven.wu@ag.ny.gov;
> trvanbockern@hollandhart.com; sebyp@gtlaw.com; Feigin, Eric (OSG)
> (Eric.Feigin@usdoj.gov) <Eric.Feigin@usdoj.gov>; Stewart, Malcolm L
> (OSG) <Malcolm.L.Stewart@usdoj.gov>; Kneedler, Edwin S (OSG)
> <Edwin.S.Kneedler@usdoj.gov>; Gannon, Curtis E. (OSG)
> <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG)
> <Brian.Fletcher@usdoj.gov>
> Subject: Re: 20-1530, et al. briefing and oral argument
>
>
>
> Thank you, Denise.

§44-04-19.1

> Best,
>
> Sean
>
>
>
> On Mon, Nov 15, 2021 at 12:32 PM Denise McNerney <dmcnerney@supremecourt.gov> wrote:
>
> Good afternoon Counsel,
>
>

§44-04-19.1

Body	§44-04-19.1 > > > Regards, > > > > Denise McNerney > > > > Merits Cases Clerk > > Office of the Clerk, Supreme Court U.S. > > (202) 479-3032 > > > > > > > > > > > > > > > > -- > > Sean H. Donahue > Donahue, Goldberg & Littleton > 1008 Pennsylvania Ave., SE > Washington, D.C. 20003 > Tel: (202) 277-7085 > > > NOTICE > This e-mail and any attachments may contain confidential or privileged information or attorney work product. If you are not the intended recipient, any retention, distribution or copying of this e-mail and any attachments is unauthorized. If you have received this e-mail in error, please notify me at the number above and delete the message and any attachments. Thank you. -- Sean H. Donahue Donahue, Goldberg & Littleton 1008 Pennsylvania Ave., SE Washington, D.C. 20003 Tel: (202) 277-7085 NOTICE This e-mail and any attachments may contain confidential or privileged information or attorney work product. If you are not the intended recipient, any retention, distribution or copying of this e-mail and any attachments is unauthorized. If you have received this e-mail in error, please notify me at the number above and delete the message and any attachments. Thank you. --- If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1377

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, maiolson@nd.gov
Subject	Re: WVa v. EPA, No. 20-1530, et al. -- re extension of time for respondents' briefs
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 3:20:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 3:20:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 3:20:53.000 PM

Body

§44-04-19.1

Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, November 23, 2021 4:14:24 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: WVa v. EPA, No. 20-1530, et al. -- re extension of time for respondents' briefs

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Wayne Matt & Maggie-

§44-04-19.1

Paul

Paul M. Seby
Tel 303.572.6584

-----Original Message-----
From: Sean Donahue <sean@donahuegoldberg.com>
Sent: Tuesday, November 23, 2021 11:58 AM
To: Grossman, Andrew M <agrossman@bakerlaw.com>; Tseytlin, Misha <misha.tseytlin@troutman.com>; Roth, Yaakov M. <yroth@jonesday.com>; Lindsay S. See <lindsay.s.see@wvago.gov>; elin@HuntonAK.com; Emily Schilling <ecschilling@hollandhart.com>; TRVanBockern@hollandhart.com; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov) <Eric.Feigin@usdoj.gov>; Stewart, Malcolm L (OSG) <malcolm.l.stewart@usdoj.gov>; Gannon, Curtis E. (OSG) <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG) <Brian.Fletcher@usdoj.gov>; Kneedler, Edwin S (OSG) <Edwin.S.Kneedler@usdoj.gov>
Cc: bbrinkmann@cov.com; B. UNDERWOOD <Barbara.Underwood@ag.ny.gov>; steven.wu@ag.ny.gov
Subject: WVa v. EPA, No. 20-1530, et al. -- re extension of time for respondents' briefs

EXTERNAL TO GT

Dear Counsel,

§44-04-19.1

Best,
Sean

On Mon, Nov 22, 2021 at 8:39 AM Denise McNerney <dmcnerney@supremecourt.gov> wrote:
>

Body

§44-04-19.1

> Denise McNerney
>
>
>
> Merits Cases Clerk
>
> Office of the Clerk, Supreme Court U.S.
>
> (202) 479-3032
>
>
>
> From: Sean Donahue <sean@donahuegoldberg.com>
> Sent: Thursday, November 18, 2021 1:48 PM
> To: Denise McNerney <dmcnerney@supremecourt.gov>
> Cc: agrossman@bakerlaw.com; misha.tseytlin@troutman.com;
> yroth@jonesday.com; lindsay.s.see@wvago.gov; bbrinkmann@cov.com;
> elin@HuntonAK.com; ecschilling@hollandhart.com; B. UNDERWOOD
> <Barbara.Underwood@ag.ny.gov>; steven.wu@ag.ny.gov;
> trvanbockern@hollandhart.com; sebyp@gtlaw.com; Feigin, Eric (OSG)
> (Eric.Feigin@usdoj.gov) <Eric.Feigin@usdoj.gov>; Stewart, Malcolm L
> (OSG) <Malcolm.L.Stewart@usdoj.gov>; Kneedler, Edwin S (OSG)
> <Edwin.S.Kneedler@usdoj.gov>; Gannon, Curtis E. (OSG)
> <Curtis.Gannon@usdoj.gov>; Fletcher, Brian H. (OSG)
> <Brian.Fletcher@usdoj.gov>
> Subject: Re: 20-1530, et al. briefing and oral argument
>
>
>
> Thank you, Denise.

§44-04-19.1

> Best,
>
> Sean
>
>
>
> On Mon, Nov 15, 2021 at 12:32 PM Denise McNerney <dmcnerney@supremecourt.gov> wrote:
>
> Good afternoon Counsel,
>
>

§44-04-19.1

Body	§44-04-19.1 > > > Regards, > > > > Denise McNerney > > > > Merits Cases Clerk > > Office of the Clerk, Supreme Court U.S. > > (202) 479-3032 > > > > > > > > > > > > > > > > -- > > Sean H. Donahue > Donahue, Goldberg & Littleton > 1008 Pennsylvania Ave., SE > Washington, D.C. 20003 > Tel: (202) 277-7085 > > > NOTICE > This e-mail and any attachments may contain confidential or privileged information or attorney work product. If you are not the intended recipient, any retention, distribution or copying of this e-mail and any attachments is unauthorized. If you have received this e-mail in error, please notify me at the number above and delete the message and any attachments. Thank you. -- Sean H. Donahue Donahue, Goldberg & Littleton 1008 Pennsylvania Ave., SE Washington, D.C. 20003 Tel: (202) 277-7085 NOTICE This e-mail and any attachments may contain confidential or privileged information or attorney work product. If you are not the intended recipient, any retention, distribution or copying of this e-mail and any attachments is unauthorized. If you have received this e-mail in error, please notify me at the number above and delete the message and any attachments. Thank you. --- If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1378

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jnicolai@nd.gov
Subject	Obituary for Robert L. Hale
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:37:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:38:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:38:14.000 PM

Body	Obituary for Robert L. Hale View details at https://www.thomasfamilyfuneralhome.com/obituary/robert-hale Brought to you by Thomas Family Funeral Home https://www.thomasfamilyfuneralhome.com Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1379

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jnicolai@nd.gov
Subject	Obituary for Robert L. Hale
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:37:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:38:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/23/2021 9:38:14.000 PM
Body	Obituary for Robert L. Hale View details at https://www.thomasfamilyfuneralhome.com/obituary/robert-hale Brought to you by Thomas Family Funeral Home https://www.thomasfamilyfuneralhome.com Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1380

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: 10 a.m. appointment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:00.000 AM
Body	Yes. 30 minutes is just fine. Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, November 24, 2021 8:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 a.m. appointment **Importance:** High Wayne – How much time do we have at 10:00 a.m.? I have some general legal questions for you regarding the recent actions by the Legislature in regards to the IC but wonder if we have time for Justin to give you a short briefing on the new program we are proposing? Mary Kae will also need some of our time for discussing the Legacy bond opinion we are asking you to sign. I think we can get through everything in 30 minutes? Is that okay? Karlene

Record 1381

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: 10 a.m. appointment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:15.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:00.000 AM
Body	Yes. 30 minutes is just fine. Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, November 24, 2021 8:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 a.m. appointment **Importance:** High Wayne – How much time do we have at 10:00 a.m.? I have some general legal questions for you regarding the recent actions by the Legislature in regards to the IC but wonder if we have time for Justin to give you a short briefing on the new program we are proposing? Mary Kae will also need some of our time for discussing the Legacy bond opinion we are asking you to sign. I think we can get through everything in 30 minutes? Is that okay? Karlene

Record 1382

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov
Subject	FW: 10 a.m. appointment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:00.000 AM
Body	**From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, November 24, 2021 8:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 a.m. appointment **Importance:** High Wayne – How much time do we have at 10:00 a.m.? I have some general legal questions for you regarding the recent actions by the Legislature in regards to the IC but wonder if we have time for Justin to give you a short briefing on the new program we are proposing? Mary Kae will also need some of our time for discussing the Legacy bond opinion we are asking you to sign. I think we can get through everything in 30 minutes? Is that okay? Karlene

Record 1383

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov
Subject	FW: 10 a.m. appointment
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 9:31:00.000 AM
Body	**From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, November 24, 2021 8:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 a.m. appointment **Importance:** High Wayne – How much time do we have at 10:00 a.m.? I have some general legal questions for you regarding the recent actions by the Legislature in regards to the IC but wonder if we have time for Justin to give you a short briefing on the new program we are proposing? Mary Kae will also need some of our time for discussing the Legacy bond opinion we are asking you to sign. I think we can get through everything in 30 minutes? Is that okay? Karlene

Record 1384

Sender Name	Stenehjem, Wayne K.

Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:11:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:11:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:11:00.000 AM
Body	Very good. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 24, 2021 10:37 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update FYI… **From:** Talent, Michael <Michael.Talent@ago.mo.gov> **Sent:** Wednesday, November 24, 2021 10:10 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Lanahan, Maria <Maria.Lanahan@ago.mo.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Gregory, Kaleb <Kaleb.Gregory@ago.mo.gov> **Subject:** CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning, We had a status conference with the Court this morning. An order is imminent, but to summarize: the district court indicated that it will consolidate the preliminary injunction with a hearing on the merits for at least the legal issues (*i.e.*, the non-arbitrary and capricious claims) and possibly the entire case and appears willing to rule before December 8. The court directed the parties to work to file a statement of stipulated facts by December 6. I hope everyone has a happy Thanksgiving. Sincerely, **Michael Talent** | Deputy Solicitor General Missouri Attorney General's Office 815 Olive Street, Suite 200 St. Louis, MO 63101 Michael.Talent@ago.mo.gov This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1385

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:11:41.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:11:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:11:00.000 AM
Body	Very good. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, November 24, 2021 10:37 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update FYI… **From:** Talent, Michael <Michael.Talent@ago.mo.gov> **Sent:** Wednesday, November 24, 2021 10:10 AM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'McVey, David' <David.McVey@state.sd.us>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Campbell, Jim' <Jim.Campbell@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Swedlund, Paul' <Paul.Swedlund@state.sd.us>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** 'Dewhirst, David' <david.dewhirst@mt.gov>; Lanahan, Maria <Maria.Lanahan@ago.mo.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Gregory, Kaleb <Kaleb.Gregory@ago.mo.gov> **Subject:** CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning, We had a status conference with the Court this morning. An order is imminent, but to summarize: the district court indicated that it will consolidate the preliminary injunction with a hearing on the merits for at least the legal issues (*i.e.*, the non-arbitrary and capricious claims) and possibly the entire case and appears willing to rule before December 8. The court directed the parties to work to file a statement of stipulated facts by December 6. I hope everyone has a happy Thanksgiving. Sincerely, **Michael Talent** | Deputy Solicitor General Missouri Attorney General's Office 815 Olive Street, Suite 200 St. Louis, MO 63101 Michael.Talent@ago.mo.gov This email message, including the attachments, is from the Missouri Attorney General's Office. It is for the sole use of the intended recipient(s) and may contain confidential and privileged information, including that covered by § 32.057, RSMo. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you.

Record 1386

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddnelson@nd.gov
Subject	RE: Happy Thanksgiving!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:30:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:30:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:30:00.000 AM

Body	It's a delight to work with you, Doug. Happy Thanksgiving to you and your family! Wayne **From:** Nelson, Douglas D. <ddnelson@nd.gov> **Sent:** Wednesday, November 24, 2021 11:12 AM **To:** Nelson, Douglas D. <ddnelson@nd.gov>; Pierre, Douglas C. <dpierre@nd.gov>; Sinerius, Jessica <jsinerius@nd.gov>; Lucas, Kaylyn <klucas@nd.gov>; Ersland, Kim L. <kersland@nd.gov>; Ost, Marcy L. <malost@nd.gov>; Roline, Levi <lroline@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Happy Thanksgiving! All, I don't have any inspirational quote or really thoughtful saying to go with this, but I did want to take the time to thank everyone. I am thankful for a team that is respectful, helpful, hard-working, quality, enjoyable, humble and honest. It is a blessing to be able to enjoy coming into work everyday! Thanks for all that you do, commit to, and sacrifice for the betterment of the State Fire Marshal's Office. I hope you all have a safe and Happy Thanksgiving. Doug Nelson P.S. Special thanks to Kaylyn and Kim for being on-call this Thanksgiving. Let us know if anything comes up or if you need any help!

Record 1387

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddnelson@nd.gov
Subject	RE: Happy Thanksgiving!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:30:16.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:30:16.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:30:00.000 AM
Body	It's a delight to work with you, Doug. Happy Thanksgiving to you and your family! Wayne **From:** Nelson, Douglas D. <ddnelson@nd.gov> **Sent:** Wednesday, November 24, 2021 11:12 AM **To:** Nelson, Douglas D. <ddnelson@nd.gov>; Pierre, Douglas C. <dpierre@nd.gov>; Sinerius, Jessica <jsinerius@nd.gov>; Lucas, Kaylyn <klucas@nd.gov>; Ersland, Kim L. <kersland@nd.gov>; Ost, Marcy L. <malost@nd.gov>; Roline, Levi <lroline@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Happy Thanksgiving! All, I don't have any inspirational quote or really thoughtful saying to go with this, but I did want to take the time to thank everyone. I am thankful for a team that is respectful, helpful, hard-working, quality, enjoyable, humble and honest. It is a blessing to be able to enjoy coming into work everyday! Thanks for all that you do, commit to, and sacrifice for the betterment of the State Fire Marshal's Office. I hope you all have a safe and Happy Thanksgiving. Doug Nelson P.S. Special thanks to Kaylyn and Kim for being on-call this Thanksgiving. Let us know if anything comes up or if you need any help!

Record 1388

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:50:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:50:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:50:00.000 AM

Body	Please call me when you get a chance w

Record 1389

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:50:43.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:50:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 11:50:00.000 AM
Body	Please call me when you get a chance w

Record 1390

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ndyon@nd.gov
Subject	Happy Thanksgiving!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 12:14:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 12:14:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 12:14:00.000 PM
Body	Nancy, I got such a glowing and lengthy letter of praise for you that I had to let you know how pleased I am with all you are doing, and that I am so glad you came on board with us! Have a nice Thanksgiving, and congratulations on this wonderful assessment of your work! Wayne
BCC	mkelsch@nd.gov

Record 1391

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ndyon@nd.gov
Subject	Happy Thanksgiving!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 12:14:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 12:14:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 12:14:00.000 PM
Body	Nancy, I got such a glowing and lengthy letter of praise for you that I had to let you know how pleased I am with all you are doing, and that I am so glad you came on board with us! Have a nice Thanksgiving, and congratulations on this wonderful assessment of your work! Wayne
BCC	mkelsch@nd.gov

Record 1392

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov

Subject	RE: holiday
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 1:25:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 1:25:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 1:25:00.000 PM
Body	Happy Thanksgiving to you as well, Marina! Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Wednesday, November 24, 2021 12:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** holiday Wayne and Troy: A very happy Thanksgiving to you and your families. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 1393

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	RE: holiday
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 1:25:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 1:25:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 1:25:00.000 PM
Body	Happy Thanksgiving to you as well, Marina! Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Wednesday, November 24, 2021 12:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** holiday Wayne and Troy: A very happy Thanksgiving to you and your families. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 1394

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov, mkelsch@nd.gov, hsmith@nd.gov, shlocken@nd.gov
Subject	FW: Ivermectin Article

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:01:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:01:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:01:00.000 PM
Body	Can anyone open this attachment? I'd like it printed, [or copied and pasted] but I don't seem to have the right app to do so Wayne **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33
Attachments	16064.pages

Record 1395

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov, mkelsch@nd.gov, hsmith@nd.gov, shlocken@nd.gov
Subject	FW: Ivermectin Article
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:01:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:01:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:01:00.000 PM
Body	Can anyone open this attachment? I'd like it printed, [or copied and pasted] but I don't seem to have the right app to do so Wayne **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33
Attachments	12716.pages

Record 1396

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	btveit@nd.gov
Subject	RE: Ivermectin Article

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:09:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:09:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:09:00.000 PM
Body	Thanks for sending this to me, Bill. Unfortunately, I can't open the attachment with whichever app you used. Where was the article printed? Wayne And Happy Thanksgiving to you and your family. **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33

Record 1397

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	btveit@nd.gov
Subject	RE: Ivermectin Article
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:09:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:09:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:09:00.000 PM
Body	Thanks for sending this to me, Bill. Unfortunately, I can't open the attachment with whichever app you used. Where was the article printed? Wayne And Happy Thanksgiving to you and your family. **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33

Record 1398

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov

Recipients	hsmith@nd.gov
Subject	RE: Ivermectin Article
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:36:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:36:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:36:00.000 PM
Body	Yes. I got the email as I sent it. I wrote back to Rep. Tveidt to ask him where the article came from. Don't worry about finding anything out. I'll just wait to hear back from him. Have a nice Thanksgiving! Wayne **From:** Smith, Heidi J. <hsmith@nd.gov> **Sent:** Wednesday, November 24, 2021 4:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Johnson, Alice M. <amjohnson@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>; Locken, Sheree L. <shlocken@nd.gov> **Cc:** Miller, Laura J. <ljmiller@nd.gov> **Subject:** RE: Ivermectin Article Hi Wayne, I am not able to open it either. I had Laura Miller look at it as well, with no luck. There is something it that is not compatible with Adobe. Was this the format it was sent to you? Thank you, Heidi **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 24, 2021 4:02 PM **To:** Johnson, Alice M. <amjohnson@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>; Smith, Heidi J. <hsmith@nd.gov>; Locken, Sheree L. <shlocken@nd.gov> **Subject:** FW: Ivermectin Article Can anyone open this attachment? I'd like it printed, [or copied and pasted] but I don't seem to have the right app to do so Wayne **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33

Record 1399

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	hsmith@nd.gov
Subject	RE: Ivermectin Article
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:36:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:36:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 4:36:00.000 PM

Body	Yes. I got the email as I sent it. I wrote back to Rep. Tveidt to ask him where the article came from. Don't worry about finding anything out. I'll just wait to hear back from him. Have a nice Thanksgiving! Wayne **From:** Smith, Heidi J. <hsmith@nd.gov> **Sent:** Wednesday, November 24, 2021 4:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Johnson, Alice M. <amjohnson@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>; Locken, Sheree L. <shlocken@nd.gov> **Cc:** Miller, Laura J. <ljmiller@nd.gov> **Subject:** RE: Ivermectin Article Hi Wayne, I am not able to open it either. I had Laura Miller look at it as well, with no luck. There is something it that is not compatible with Adobe. Was this the format it was sent to you? Thank you, Heidi **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 24, 2021 4:02 PM **To:** Johnson, Alice M. <amjohnson@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>; Smith, Heidi J. <hsmith@nd.gov>; Locken, Sheree L. <shlocken@nd.gov> **Subject:** FW: Ivermectin Article Can anyone open this attachment? I'd like it printed, [or copied and pasted] but I don't seem to have the right app to do so Wayne **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33

Record 1400

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shlocken@nd.gov
Subject	RE: Ivermectin Article
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 5:01:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 5:01:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 5:01:00.000 PM

Body	I've contacted the sender to let him know he should send it some other way. Thanks, and have a nice Thanksgiving Wayne **From:** Locken, Sheree L. <shlocken@nd.gov> **Sent:** Wednesday, November 24, 2021 5:00 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Ivermectin Article I tried but I couldn't get it to open either. So sorry. Sheree **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 24, 2021 4:02 PM **To:** Johnson, Alice M. <amjohnson@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>; Smith, Heidi J. <hsmith@nd.gov>; Locken, Sheree L. <shlocken@nd.gov> **Subject:** FW: Ivermectin Article Can anyone open this attachment? I'd like it printed, [or copied and pasted] but I don't seem to have the right app to do so Wayne **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33

Record 1401

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shlocken@nd.gov
Subject	RE: Ivermectin Article
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 5:01:15.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 5:01:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/24/2021 5:01:00.000 PM

Body	I've contacted the sender to let him know he should send it some other way. Thanks, and have a nice Thanksgiving Wayne **From:** Locken, Sheree L. <shlocken@nd.gov> **Sent:** Wednesday, November 24, 2021 5:00 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Ivermectin Article I tried but I couldn't get it to open either. So sorry. Sheree **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, November 24, 2021 4:02 PM **To:** Johnson, Alice M. <amjohnson@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>; Smith, Heidi J. <hsmith@nd.gov>; Locken, Sheree L. <shlocken@nd.gov> **Subject:** FW: Ivermectin Article Can anyone open this attachment? I'd like it printed, [or copied and pasted] but I don't seem to have the right app to do so Wayne **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Wednesday, November 24, 2021 2:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ivermectin Article Honorable Mr. Stenehjem, NDAG please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33

Record 1402

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dpgarner@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:44:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:44:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:44:00.000 AM
Body	Dave, Are you going to be in today? Wayne

Record 1403

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dpgarner@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:44:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:44:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:44:00.000 AM
Body	Dave, Are you going to be in today? Wayne

Record 1404

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	drphillips@nd.gov
Subject	FW: IC meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:53:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:53:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:53:00.000 AM
Body	Dave, Are you going to be in today? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Friday, November 26, 2021 8:13 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** IC meeting Wayne – You have the books for the meeting and I will be dropping off a couple more items later today. However, I did want to alert you that I do not have the final amendments that the Oil and Gas Division will be presenting on Monday in the book. I have not received them from Bruce. You may want to visit with Dave Phillips to find out what DMR is planning to present. Karlene

Record 1405

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	drphillips@nd.gov
Subject	FW: IC meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:53:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:53:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 8:53:00.000 AM
Body	Dave, Are you going to be in today? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Friday, November 26, 2021 8:13 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** IC meeting Wayne – You have the books for the meeting and I will be dropping off a couple more items later today. However, I did want to alert you that I do not have the final amendments that the Oil and Gas Division will be presenting on Monday in the book. I have not received them from Bruce. You may want to visit with Dave Phillips to find out what DMR is planning to present. Karlene

Record 1406

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:03:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:03:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:03:00.000 AM

Body

From: Tryhus, Nicole K. <ntryhus@nd.gov>
Sent: Friday, November 26, 2021 9:58 AM
To: -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov>
Subject: FW: Hope For the Holidays Event

Hello everyone,

I am excited to announce that we will once again be participating in the Hope For the Holidays event this year for the Abused Adult Resource Center. We adopted 2 small families and the individuals within the family are located below. These lists are to give ideas of what you may purchase for them, if you wish, and you may purchase whatever you would like for them as well.

PLEASE NOTE: **When purchasing toys for children please be aware that due to the fact that a weapon may have been used during a violent incident, we request that no toy guns or weapons be purchased.**

Please make sure the items are new and are wrapped or in gift bags and PLEASE make sure the client ID number is clearly marked on each package. Each individual has a number and letter(s) to identify them.

We plan on dropping off the gifts around the 7th of December, so please make your purchases accordingly. You can bring the gifts and place them under the reception area Christmas tree or you can keep them with you until we get closer to the drop off time. There is an envelope on the tree to place gift cards in should you choose to purchase those for any of the family members. This list will be printed out and in the 1st floor copy room so please remember to cross off anything you will be purchasing or have purchased off the list so we do not double up on presents.

Family 1

247BBB	Mom 35	shirt	**Medium**	Black thickheeled ab
		pant	**8**	King size bedding Gre
		shoe		
248BBB	Girl 9	shirt		White boots with hee
		pant		rings/necklaces, Ka
		shoe	**2**	
249BBB	Girl 7	shirt	**8**	Black knee high girl
		pant	**8**	
		shoe	**3**	

Dog Bed firm, 1" lead leash, Large sweater or shirt for Large Dog

Family 2

250CCC	Mom 25	shirt	**Small**	Medium winter coat,
		pant	**jeans 28**	Gif
		shoe		
251CCC	Boy 6	shirt	**8**	Jeans, spiderman ve
		pant	**8**	
		shoe		
252CCC	Boy 4	shirt	**7**	Jeans, winterboots, di
		pant	**7**	
		shoe	**13**	

Record 1407

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:03:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:03:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:03:00.000 AM

Body

From: Tryhus, Nicole K. <ntryhus@nd.gov>
Sent: Friday, November 26, 2021 9:58 AM
To: -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov>
Subject: FW: Hope For the Holidays Event

Hello everyone,

I am excited to announce that we will once again be participating in the Hope For the Holidays event this year for the Abused Adult Resource Center. We adopted 2 small families and the individuals within the family are located below. These lists are to give ideas of what you may purchase for them, if you wish, and you may purchase whatever you would like for them as well.

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Family 1

247BBB	Mom 35	shirt	**Medium**	Black thickheeled ab
		pant	**8**	King size bedding Gre
		shoe		
248BBB	Girl 9	shirt		White boots with hee
		pant		rings/necklaces, Ka
		shoe	**2**	
249BBB	Girl 7	shirt	**8**	Black knee high girl
		pant	**8**	
		shoe	**3**	

Dog Bed firm, 1" lead leash, Large sweater or shirt for Large Dog

Family 2

250CCC	Mom 25	shirt	**Small**	Medium winter coat,
		pant	**jeans 28**	Gif
		shoe		
251CCC	Boy 6	shirt	**8**	Jeans, spiderman ve
		pant	**8**	
		shoe		
252CCC	Boy 4	shirt	**7**	Jeans, winterboots, di
		pant	**7**	
		shoe	**13**	

Record 1408

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Benjamin.Flowers@OhioAGO.gov
Subject	RE: OHSA - Stay-Stage Briefing - UPDATED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:15:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:15:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:15:00.000 AM

Body

Iâ€™m not sure if you need further authorization on this, but North Dakota joins as well.
Wayne Stenehjem

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 9:32 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: OHSA - Stay-Stage Briefing - UPDATED

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an

Body

â€œemergencyâ€ standardâ€"the â€œVaccine Mandateâ€â€"requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€"F.4thâ€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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From: Benjamin Flowers
Sent: Friday, November 26, 2021 9:31 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.F.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyvago.gov; thomas.t.lampman@wyvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyvago.gov>
Subject: RE: OHSA - Stay-Stage Briefing
Importance: High

Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by **Monday, November 29, at Noon Eastern.** If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below.

Sincerely,

Ben Flowers

P.S.: I reached out to counsel for the DOJ about the administrative record. I havenâ€™t heard back yet, hence the highlighting.

At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least four reasons.

First , this lightning- speed approach to these issues is unnecessary.

Body

The current schedule allows this Court to either vacate the stay, or not, by mid- December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Dep't of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Third , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fourth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€"the â€œVaccine Mandateâ€â€"requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€"F.4thâ€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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From: Benjamin Flowers
Sent: Thursday, November 25, 2021 8:52 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson < Joshua.Richardson@OhioAGO.gov>
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Subject: RE: OHSA - Stay-Stage Briefing

All,

Happy Thanksgiving. (And go Bucks!)

After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that.

I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns.

Ben Flowers
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Date: Wednesday, Nov 24, 2021, 11:00 AM
To: Maddox, Victor [KYOAG] <victor.maddox@ky.gov>, Brasington, Charles E [LAW] <charles.brasington@alaska.gov>, Murrill, Elizabeth <MurrillE@ag.louisiana.gov>, Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>, Judd Stone <Judd.Stone@oag.texas.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

Body

1. ***Enforcement of the Stay.*** Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. ***Administrative Record.*** It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. ***Potential Discovery.*** It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

From: Maddox, Victor (KYOAG) <victor.maddox@ky.gov>
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To: Brasington, Charles E (LAW); Murrill, Elizabeth; Benjamin Flowers; Ensign, Drew; Judd Stone; Joshua Richardson
Cc: Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsvet@nd.gov; tseibel@nd.gov; May Mailman; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcarstrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste; ryan.schelhaas@wyo.gov; LaCour, Edmund; nicholas.bronni@arkansasag.gov; Vincent Wagner; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG); May Mailman; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton; lindsay.s.see@wyago.gov; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; mithun.mansinghani@oag.ok.gov
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Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.F.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov
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To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

Charles E. Brasington

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Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Matt.Kuhn@ky.gov; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman < May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer < travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov **Subject:** RE: OHSA - Stay-Stage Briefing I am also admitted in the 6th. The rule has little to no analysis on the testing requirement because I think it was largely an afterthought. Assuming for the sake of argument that testing is a reasonable requirement *in theory*, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isnâ€™t requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. --- **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, November 23, 2021 10:17 AM **To:** Ensign, Drew <Drew.Ensign@azag.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett < Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. 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Subject: RE: OHSA - Stay-Stage Briefing

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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says.

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Sent: Tuesday, November 23, 2021 10:37 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.F.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Matt.Kuhn@ky.gov; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov
Subject: Re: OHSA - Stay-Stage Briefing

That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.)

On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46.

It is difficult to understand how that is not a concession that the mask-and-test requirement can

Body	operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew --- **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, November 23, 2021 6:24:57 AM **To:** Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson **Cc:** Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste; ryan.schelhaas@wyo.gov; LaCour, Edmund; nicholas.bronni@arkansasag.gov; Vincent Wagner; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; anthony.j.galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); Chanay, Jeff; Dunn, Barry (KYOAG); May Mailman; Laue, Brant; Kane, Brian; Jonathan Blanton; Lindsay S. See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani **Subject:** OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the *en banc* brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States *or* the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, weâ€™re happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	masagsve@nd.gov, masagsve@nd.gov, tseibel@nd.gov

Record 1409

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Benjamin.Flowers@OhioAGO.gov
Subject	RE: OHSA - Stay-Stage Briefing - UPDATED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:15:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:15:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 10:15:00.000 AM

Body

Iâ€™m not sure if you need further authorization on this, but North Dakota joins as well.
Wayne Stenehjem

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 9:32 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: OHSA - Stay-Stage Briefing - UPDATED

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an

Body

â€œemergencyâ€ standardâ€"the â€œVaccine Mandateâ€â€"requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€"F.4thâ€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
Ohio Solicitor General
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From: Benjamin Flowers
Sent: Friday, November 26, 2021 9:31 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.F.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyoag.gov; thomas.t.lampman@wyoag.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyoag.gov>
Subject: RE: OHSA - Stay-Stage Briefing
Importance: High

Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by **Monday, November 29, at Noon Eastern.** If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below.

Sincerely,

Ben Flowers

P.S.: I reached out to counsel for the DOJ about the administrative record. I havenâ€™t heard back yet, hence the highlighting.

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The Court should reject OSHAâ€™s motion in full, for at least four reasons.

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Body

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Third , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fourth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€"the â€œVaccine Mandateâ€â€"requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€"F.4thâ€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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Subject: RE: OHSA - Stay-Stage Briefing

All,

Happy Thanksgiving. (And go Bucks!)

After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that.

I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns.

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Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

Body

1. ***Enforcement of the Stay.*** Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. ***Administrative Record.*** It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. ***Potential Discovery.*** It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

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Subject: RE: OHSA - Stay-Stage Briefing

Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

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Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew

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Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] < Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Matt.Kuhn@ky.gov; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman < May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) < Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer < travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov **Subject:** RE: OHSA - Stay-Stage Briefing I am also admitted in the 6th. The rule has little to no analysis on the testing requirement because I think it was largely an afterthought. Assuming for the sake of argument that testing is a reasonable requirement *in theory*, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isnâ€™t requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. --- **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, November 23, 2021 10:17 AM **To:** Ensign, Drew <Drew.Ensign@azag.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett < Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell < Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman < Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam < Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Matt.Kuhn@ky.gov; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R

Body

(KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>;
Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov
Subject: RE: OHSA - Stay-Stage Briefing

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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511

Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Tuesday, November 23, 2021 10:37 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.F.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Matt.Kuhn@ky.gov; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov
Subject: Re: OHSA - Stay-Stage Briefing

That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.)

On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46.

It is difficult to understand how that is not a concession that the mask-and-test requirement can

Body	operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew --- **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, November 23, 2021 6:24:57 AM **To:** Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson **Cc:** Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; James Kaste; ryan.schelhaas@wyo.gov; LaCour, Edmund; nicholas.bronni@arkansasag.gov; Vincent Wagner; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; anthony.j.galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); Chanay, Jeff; Dunn, Barry (KYOAG); May Mailman; Laue, Brant; Kane, Brian; Jonathan Blanton; Lindsay S. See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani **Subject:** OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the *en banc* brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States *or* the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, weâ€™re happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	masagsve@nd.gov, masagsve@nd.gov, tseibel@nd.gov

Record 1410

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
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Subject	RE: OHSA - Stay-Stage Briefing - UPDATED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 11:34:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 11:34:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 11:33:00.000 AM

Body

Tried to call.
You are on the right track: I just didnâ€™t want to have this elapse while so many are out of the office.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Friday, November 26, 2021 10:34 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

Just FYI, I am on all of the email lists for the vaccine cases. I have not responded to Mr. Flowersâ€™ email yet because I was waiting to see whether our 8th Circuit coalition was going to respond as a group, and because we have until Monday to respond. I had intended to let him know that I/we agreed with his approach.

Please let me know whether there is a problem with my responsiveness on these vaccine cases, and or whether you would like us to manage them differently.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, November 26, 2021 10:15 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

Iâ€™m not sure if you need further authorization on this, but North Dakota joins as well.
Wayne Stenehjem

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 9:32 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.manisnghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyvago.gov; thomas.t.lampman@wyvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael (GOV) <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyvago.gov>
Subject: OHSA - Stay-Stage Briefing - UPDATED

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All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for

Body

promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€"F.4thâ€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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Subject: RE: OHSA - Stay-Stage Briefing
Importance: High

Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by **Monday, November 29, at Noon Eastern.** If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below.

Sincerely,

Body

Ben Flowers

P.S.: I reached out to counsel for the DOJ about the administrative record. I havenâ€™t heard back yet, hence the highlighting.

At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least four reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid- December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Dep't of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Third , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fourth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€"F.4thâ€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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Subject: RE: OHSA - Stay-Stage Briefing

All,

Happy Thanksgiving. (And go Bucks!)

After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that.

I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns.

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Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Ross Bergethon <RBergethon@law.ga.gov>, brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>, tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>, kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>, jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>, Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>, Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>, Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>, Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>, john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>, Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>, David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>, Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>, Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>, Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>, wstenehjem@nd.gov <wstenehjem@nd.gov>, masagsve@nd.gov <masagsve@nd.gov>, tsetbel@nd.gov <tsetbel@nd.gov>, May Mailman <May.Mailman@OhioAGO.gov>, mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>, zach.west@oag.ok.gov <zach.west@oag.ok.gov>, Emory Smith <ESmith@scag.gov>, HKirkland@scag.gov <HKirkland@scag.gov>, BCook@scag.gov <BCook@scag.gov>, ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>, steven.blair@state.sd.us <steven.blair@state.sd.us>, Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>, rcantrell@agutah.gov <rcantrell@agutah.gov>, lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>, thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>, James Kaste <james.kaste@wyo.gov>, ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>, Vincent Wagner <vincent.wagner@arkansasag.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Stephen Petrany <SPetrany@LAW.GA.GOV>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>, david.mcvey@state.sd.us <david.mcvey@state.sd.us>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, Travis J. Royer <travis.royer@ag.tn.gov>, Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Body

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

1. ***Enforcement of the Stay.*** Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. ***Administrative Record.*** It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. ***Potential Discovery.*** It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

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Sent: Tuesday, November 23, 2021 11:36 AM
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Subject: RE: OHSA - Stay-Stage Briefing

Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

âCœAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

âCœIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

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I am also admitted in the 6th.

The rule has little to no analysis on the testing requirement because I think it was largely an afterthought.

Assuming for the sake of argument that testing is a reasonable requirement *in theory*, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently).

It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isnâ€™t requiring that employers bear the cost.) Not sure other states have this rule.

I have a memo on the 4th amendment implications of testing if you want it.

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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says.

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That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.)

On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46.

Body	It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew --- **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, November 23, 2021 6:24:57 AM **To:** Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson **Cc:** Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste; ryan.schelhaas@wyo.gov; LaCour, Edmund; nicholas.bronni@arkansasag.gov; Vincent Wagner; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; anthony.j.galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); Chanay, Jeff; Dunn, Barry (KYOAG); May Mailman; Laue, Brant; Kane, Brian; Jonathan Blanton; Lindsay S. See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani **Subject:** OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the *en banc* brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States *or* the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, weâ€™re happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

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Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: OHSA - Stay-Stage Briefing - UPDATED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 11:34:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 11:34:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 11:33:00.000 AM

Body

Tried to call.
You are on the right track: I just didnâ€™t want to have this elapse while so many are out of the office.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Friday, November 26, 2021 10:34 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

Just FYI, I am on all of the email lists for the vaccine cases. I have not responded to Mr. Flowersâ€™ email yet because I was waiting to see whether our 8th Circuit coalition was going to respond as a group, and because we have until Monday to respond. I had intended to let him know that I/we agreed with his approach.

Please let me know whether there is a problem with my responsiveness on these vaccine cases, and or whether you would like us to manage them differently.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Friday, November 26, 2021 10:15 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

Iâ€™m not sure if you need further authorization on this, but North Dakota joins as well.
Wayne Stenehjem

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 9:32 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <murrill@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov ; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov ; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.manisnghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyvago.gov; thomas.t.lampman@wyvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael (GOV) <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyvago.gov>
Subject: OHSA - Stay-Stage Briefing - UPDATED

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All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for

Body

promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€“F.4thâ€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€“though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
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benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Friday, November 26, 2021 9:31 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tselbel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyoag.gov; thomas.t.lampman@wyoag.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyoag.gov>
Subject: RE: OHSA - Stay-Stage Briefing
Importance: High

Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by **Monday, November 29, at Noon Eastern.** If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below.

Sincerely,

Body

Ben Flowers

P.S.: I reached out to counsel for the DOJ about the administrative record. I havenâ€™t heard back yet, hence the highlighting.

At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

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Third , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

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OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
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From: Benjamin Flowers
Sent: Thursday, November 25, 2021 8:52 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: RE: OHSA - Stay-Stage Briefing

All,

Happy Thanksgiving. (And go Bucks!)

After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that.

I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns.

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Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Body

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

1. ***Enforcement of the Stay.*** Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. ***Administrative Record.*** It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. ***Potential Discovery.*** It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

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Subject: RE: OHSA - Stay-Stage Briefing

Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

âCœAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

âCœIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

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I am also admitted in the 6th.

The rule has little to no analysis on the testing requirement because I think it was largely an afterthought.

Assuming for the sake of argument that testing is a reasonable requirement *in theory*, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently).

It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isnâ€™t requiring that employers bear the cost.) Not sure other states have this rule.

I have a memo on the 4th amendment implications of testing if you want it.

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Sent: Tuesday, November 23, 2021 10:17 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Matt.Kuhn@ky.gov; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov;

Body

brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov
Subject: RE: OHSA - Stay-Stage Briefing

CAUTION: *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.*

I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511

Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Tuesday, November 23, 2021 10:37 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Matt.Kuhn@ky.gov; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov
Subject: Re: OHSA - Stay-Stage Briefing

That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.)

On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46.

Body	It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew --- **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, November 23, 2021 6:24:57 AM **To:** Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson **Cc:** Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste; ryan.schelhaas@wyo.gov; LaCour, Edmund; nicholas.bronni@arkansasag.gov; Vincent Wagner; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; anthony.j.galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); Chanay, Jeff; Dunn, Barry (KYOAG); May Mailman; Laue, Brant; Kane, Brian; Jonathan Blanton; Lindsay S. See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani **Subject:** OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the *en banc* brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States *or* the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, weâ€™re happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 1412

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 2:33:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 2:33:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 2:33:25.000 PM

Body	No worries. Have a nice weekend! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 26, 2021 11:17:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** I tried calling you back, but my call doesn't go through for whatever reason...

Record 1413

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 2:33:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 2:33:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/26/2021 2:33:25.000 PM
Body	No worries. Have a nice weekend! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, November 26, 2021 11:17:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** I tried calling you back, but my call doesn't go through for whatever reason...

Record 1414

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/28/2021 5:37:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/28/2021 5:37:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/28/2021 5:37:00.000 PM
Body	Visit with Mike Ruud
CC	lbrocker@nd.gov

Record 1415

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/28/2021 5:37:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/28/2021 5:37:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/28/2021 5:37:00.000 PM
Body	Visit with Mike Ruud
CC	lbrocker@nd.gov

Record 1416

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov, aeisenbeis@nd.gov

Subject	FW: Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 8:54:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 8:54:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 8:54:00.000 AM
Body	Are we going to be interested in this? Wayne **From:** Dalzell, Emily D. <edalzell@nd.gov> **On Behalf Of** Gallion, Joshua C. **Sent:** Tuesday, November 23, 2021 2:20 PM **To:** Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Kroshus, Brian <bkroshus@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; McMerty, Sandra L. <samcmerty@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov> **Subject:** Food Collection Challenge Good afternoon, Our office would like to formally challenge your office in a **collection of food** for people in need. Can you help? Here's how it works: 1. Someone from your office would need to get an empty box and **print the attached sign** and place on the box. 2. **Collect as much non-perishable food** as you can and let us know the total count, and number of people at your agency. We'll divide the number of food you collect by the number of people in your agency and average for your total. (This makes it fair for smaller agencies to compete against larger agencies) 3. Food collection would run from **Tuesday the 30th of November, until Tuesday the 14th of December.** On Thursday the 16th, someone from your agency would need to **drop off the food donations to the Bismarck Emergency Food Pantry** (1012 S 12th St, Bismarck, ND 58504) between 1 p.m. and 4 p.m. We will also be taking a **photo of all participating agencies** and sharing it on our social media on **Tuesday, November 30th at 9:30 a.m. in the Great Hall.** If you'd like to be in the photo, please come by the Great Hall at this time. We'd love to see you there! Does this seem like a lot? We promise it's not. Please let us know if you're participating, and we look forward to competing against you! **Joshua C. Gallion** State Auditor 600 E. Boulevard Ave Dept 117, Bismarck, ND 58505 **Phone:** 701.328.4780 **Website:** nd.gov/auditor
Attachments	16063.jpg, image002[13216].png, image004[13217].jpg, image006[13218].jpg, image008[13219].jpg, image010[13220].jpg

Record 1417

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov, aeisenbeis@nd.gov
Subject	FW: Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 8:54:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 8:54:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 8:54:00.000 AM

Body	Are we going to be interested in this? Wayne **From:** Dalzell, Emily D. <edalzell@nd.gov> **On Behalf Of** Gallion, Joshua C. **Sent:** Tuesday, November 23, 2021 2:20 PM **To:** Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Kroshus, Brian <bkroshus@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; McMerty, Sandra L. <samcmerty@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov> **Subject:** Food Collection Challenge Good afternoon, Our office would like to formally challenge your office in a **collection of food** for people in need. Can you help? Here's how it works: 1. Someone from your office would need to get an empty box and **print the attached sign** and place on the box. 2. **Collect as much non-perishable food** as you can and let us know the total count, and number of people at your agency. We'll divide the number of food you collect by the number of people in your agency and average for your total. (This makes it fair for smaller agencies to compete against larger agencies) 3. Food collection would run from **Tuesday the 30th of November, until Tuesday the 14th of December**. On Thursday the 16th, someone from your agency would need to **drop off the food donations to the Bismarck Emergency Food Pantry** (1012 S 12th St, Bismarck, ND 58504) between 1 p.m. and 4 p.m. We will also be taking a **photo of all participating agencies** and sharing it on our social media on **Tuesday, November 30th at 9:30 a.m. in the Great Hall.** If you'd like to be in the photo, please come by the Great Hall at this time. We'd love to see you there! Does this seem like a lot? We promise it's not. Please let us know if you're participating, and we look forward to competing against you! Joshua C. Gallion State Auditor 600 E. Boulevard Ave Dept 117, Bismarck, ND 58505 **Phone:** 701.328.4780 **Website:** nd.gov/auditor
Attachments	12715.jpg, image002[9822].png, image004[9823].jpg, image006[9824].jpg, image008[9825].jpg, image010[9826].jpg

Record 1418

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cajmiller@nd.gov
Subject	RE: Concealed Weapons License Reciprocity with Minnesota
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:37:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:37:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:37:00.000 AM

Body	Thanks, Casey. I hope they will respond soon. Wayne **From:** Miller, Casey J. <cajmiller@nd.gov> **Sent:** Monday, November 29, 2021 9:14 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Knudson, Sarah <slknudson@nd.gov> **Subject:** Concealed Weapons License Reciprocity with Minnesota Good Morning, I just wanted to give everyone a quick update on the ND law change from House Bill 1450, which amends §62.1-04-03 -1 (c)(3) to reduce to 3 years the time period for which an alcohol offense conviction is disqualifier for Class 1 CWL; effective until the North Dakota Attorney General certifies to Legislative Council that the change affects reciprocity with Minnesota. On November 24th, Minnesota contacted me for changes to the North Dakota concealed weapons laws from the 2021 legislative session. I responded with all of the guns law changes and will hopefully hear back in December when Minnesota conducts their required review of law changes from other states. As soon as I hear back I will let everyone know about their response. Thanks, Chief Agent Casey Miller Bureau of Criminal Investigation (701) 328-9827 Office §44-04-18.3 Cell cajmiller@nd.gov
Attachments	image001[13226].png

Record 1419

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cajmiller@nd.gov
Subject	RE: Concealed Weapons License Reciprocity with Minnesota
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:37:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:37:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:37:00.000 AM

Body	Thanks, Casey. I hope they will respond soon. Wayne **From:** Miller, Casey J. <cajmiller@nd.gov> **Sent:** Monday, November 29, 2021 9:14 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Knudson, Sarah <slknudson@nd.gov> **Subject:** Concealed Weapons License Reciprocity with Minnesota Good Morning, I just wanted to give everyone a quick update on the ND law change from House Bill 1450, which amends §62.1-04-03 -1 (c)(3) to reduce to 3 years the time period for which an alcohol offense conviction is disqualifier for Class 1 CWL; effective until the North Dakota Attorney General certifies to Legislative Council that the change affects reciprocity with Minnesota. On November 24th, Minnesota contacted me for changes to the North Dakota concealed weapons laws from the 2021 legislative session. I responded with all of the guns law changes and will hopefully hear back in December when Minnesota conducts their required review of law changes from other states. As soon as I hear back I will let everyone know about their response. Thanks, Chief Agent Casey Miller Bureau of Criminal Investigation (701) 328-9827 Office §44-04-18.3 Cell cajmiller@nd.gov
Attachments	image001[9829].png

Record 1420

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: NAGTRI Cyber Security Seminar Dec. 8-9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:54:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:54:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:54:00.000 AM

Body	Am I still signed up for this? Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Wednesday, September 29, 2021 3:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** NAGTRI Cyber Security Seminar Dec. 8-9 Wayne: I have tentatively indicated that I thought you would be available on December 8 for the Fireside Chat as a Moderator with General Tong. Of course, I promised to confirm as soon as possible. I don't know whether your schedule allows you to stay for all of Dec. 8 and 9 (if at all); however, I certainly don't think you would be expected to attend the entire event. Thank you for your consideration. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 1421

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: NAGTRI Cyber Security Seminar Dec. 8-9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:54:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:54:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 9:54:00.000 AM

Body	Am I still signed up for this? Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Wednesday, September 29, 2021 3:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** NAGTRI Cyber Security Seminar Dec. 8-9 Wayne: I have tentatively indicated that I thought you would be available on December 8 for the Fireside Chat as a Moderator with General Tong. Of course, I promised to confirm as soon as possible. I don't know whether your schedule allows you to stay for all of Dec. 8 and 9 (if at all); however, I certainly don't think you would be expected to attend the entire event. Thank you for your consideration. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 1422

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aeisenbeis@nd.gov, lbrocker@nd.gov, tseibel@nd.gov
Subject	Re: Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:07:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:08:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:08:17.000 AM

Body	Wonderful! Please proceed. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, November 29, 2021 9:43:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Food Collection Challenge I would be interested if you all agree! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 8:55 AM **To:** Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov> **Subject:** FW: Food Collection Challenge Are we going to be interested in this? Wayne **From:** Dalzell, Emily D. <edalzell@nd.gov> **On Behalf Of** Gallion, Joshua C. **Sent:** Tuesday, November 23, 2021 2:20 PM **To:** Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Kroshus, Brian <bkroshus@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; McMerty, Sandra L. <samcmerty@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov> **Subject:** Food Collection Challenge Good afternoon, Our office would like to formally challenge your office in a **collection of food** for people in need. Can you help? Here's how it works: 1. Someone from your office would need to get an empty box and **print the attached sign** and place on the box. 2. **Collect as much non-perishable food** as you can and let us know the total count, and number of people at your agency. We'll divide the number of food you collect by the number of people in your agency and average for your total. (This makes it fair for smaller agencies to compete against larger agencies) 3. Food collection would run from **Tuesday the 30th of November, until Tuesday the 14th of December**. On Thursday the 16th, someone from your agency would need to **drop off the food donations to the Bismarck Emergency Food Pantry** (1012 S 12th St, Bismarck, ND 58504) between 1 p.m. and 4 p.m. We will also be taking a **photo of all participating agencies** and sharing it on our social media on **Tuesday, November 30th at 9:30 a.m. in the Great Hall**. If you'd like to be in the photo, please come by the Great Hall at this time. We'd love to see you there! Does this seem like a lot? We promise it's not. Please let us know if you're participating, and we look forward to competing against you! **Joshua C. Gallion** State Auditor 600 E. Boulevard Ave Dept 117, Bismarck, ND 58505 **Phone:** 701.328.4780 **Website:** nd.gov/auditor
Attachments	13232.gov, 13233.gov, 13234.gov, 13235.gov, 13236.gov

Record 1423

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aeisenbeis@nd.gov, lbrocker@nd.gov, tseibel@nd.gov
Subject	Re: Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:07:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:08:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:08:17.000 AM

Body	Wonderful! Please proceed. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, November 29, 2021 9:43:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Food Collection Challenge I would be interested if you all agree! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 8:55 AM **To:** Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Eisenbeis, Ashley <aeisenbeis@nd.gov> **Subject:** FW: Food Collection Challenge Are we going to be interested in this? Wayne **From:** Dalzell, Emily D. <edalzell@nd.gov> **On Behalf Of** Gallion, Joshua C. **Sent:** Tuesday, November 23, 2021 2:20 PM **To:** Burgum, Doug <doug@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Kroshus, Brian <bkroshus@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Baesler, Kirsten K. <kbaesler@nd.gov>; McMerty, Sandra L. <samcmerty@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov> **Subject:** Food Collection Challenge Good afternoon, Our office would like to formally challenge your office in a **collection of food** for people in need. Can you help? Here's how it works: 1. Someone from your office would need to get an empty box and **print the attached sign** and place on the box. 2. **Collect as much non-perishable food** as you can and let us know the total count, and number of people at your agency. We'll divide the number of food you collect by the number of people in your agency and average for your total. (This makes it fair for smaller agencies to compete against larger agencies) 3. Food collection would run from **Tuesday the 30th of November, until Tuesday the 14th of December**. On Thursday the 16th, someone from your agency would need to **drop off the food donations to the Bismarck Emergency Food Pantry** (1012 S 12th St, Bismarck, ND 58504) between 1 p.m. and 4 p.m. We will also be taking a **photo of all participating agencies** and sharing it on our social media on **Tuesday, November 30th at 9:30 a.m. in the Great Hall**. If you'd like to be in the photo, please come by the Great Hall at this time. We'd love to see you there! Does this seem like a lot? We promise it's not. Please let us know if you're participating, and we look forward to competing against you! **Joshua C. Gallion** State Auditor 600 E. Boulevard Ave Dept 117, Bismarck, ND 58505 **Phone:** 701.328.4780 **Website:** nd.gov/auditor
Attachments	image001[10594].png, image002[10595].jpg, image003[10596].jpg, image004[10597].jpg, image005[10598].jpg

Record 1424

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ntryhus@nd.gov
Subject	Re: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:11:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:11:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:11:35.000 AM

Body	What's the deadline for these gifts? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Monday, November 29, 2021 9:16:36 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** RE: Hope For the Holidays Event Update: Mom 35 from Family 1 is a size 8 shoe. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov **From:** Tryhus, Nicole K. **Sent:** Friday, November 26, 2021 10:09 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** RE: Hope For the Holidays Event Small correction to the below list under the Boy 6 it should be "Venom Goo Jit Zu toy". Also, under Mom 35 from Family 1 she lists boots as a possible gift but they did not provide her shoe size. We will try to call and get that information and will add it to the list. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Friday, November 26, 2021 9:58 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** FW: Hope For the Holidays Event Hello everyone, I am excited to announce that we will once again be participating in the Hope For the Holidays event this year for the Abused Adult Resource Center. We adopted 2 small families and the individuals within the family are located below. These lists are to give ideas of what you may purchase for them, if you wish, and you may purchase whatever you would like for them as well. **PLEASE NOTE: When purchasing toys for children please be aware that due to the fact that a weapon may have been used during a violent incident, we request that no toy guns or weapons be purchased.** Please make sure the items are new and are wrapped or in gift bags and PLEASE make sure the client ID number is clearly marked on each package. Each individual has a number and letter(s) to identify them. We plan on dropping off the gifts around the 7th of December, so please make your purchases accordingly. You can bring the gifts and place them under the reception area Christmas tree or you can keep them with you until we get closer to the drop off time. There is an envelope on the tree to place gift cards in should you choose to purchase those for any of the family members. This list will be printed out and in the 1st floor copy room so please remember to cross off anything you will be purchasing or have purchased off the list so we do not double up on presents. **Family 1** 247BBB — Mom 35: shirt — Medium; pant — 8; shoe — (Black thickheeled ab; King size bedding Gr) 248BBB — Girl 9: shirt; pant; shoe — 2 (White boots with hea; rings/necklaces, Ka) 249BBB — Girl 7: shirt — 8; pant — 8; shoe — 3 (Black knee high gir) Dog Bed firm, 1" lead leash, Large sweater or shirt for Large Dog **Family 2** 250CCC — Mom 25: shirt — Small; pant — jeans 28; shoe — (Medium winter coat; Gi) 251CCC — Boy 6: shirt — 8; pant — 8; shoe — (Jeans, spiderman va) 252CCC — Boy 4: shirt — 7; pant — 7; shoe — 13 (Jeans, winterboots, d)

Record 1425

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ntryhus@nd.gov
Subject	Re: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:11:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:11:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:11:35.000 AM

Body	What's the deadline for these gifts? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Monday, November 29, 2021 9:16:36 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** RE: Hope For the Holidays Event Update: Mom 35 from Family 1 is a size 8 shoe. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov **From:** Tryhus, Nicole K. **Sent:** Friday, November 26, 2021 10:09 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** RE: Hope For the Holidays Event Small correction to the below list under the Boy 6 it should be "Venom Goo Jit Zu toy". Also, under Mom 35 from Family 1 she lists boots as a possible gift but they did not provide her shoe size. We will try to call and get that information and will add it to the list. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Friday, November 26, 2021 9:58 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** FW: Hope For the Holidays Event Hello everyone, I am excited to announce that we will once again be participating in the Hope For the Holidays event this year for the Abused Adult Resource Center. We adopted 2 small families and the individuals within the family are located below. These lists are to give ideas of what you may purchase for them, if you wish, and you may purchase whatever you would like for them as well. **PLEASE NOTE: When purchasing toys for children please be aware that due to the fact that a weapon may have been used during a violent incident, we request that no toy guns or weapons be purchased.** Please make sure the items are new and are wrapped or in gift bags and PLEASE make sure the client ID number is clearly marked on each package. Each individual has a number and letter(s) to identify them. We plan on dropping off the gifts around the 7th of December, so please make your purchases accordingly. You can bring the gifts and place them under the reception area Christmas tree or you can keep them with you until we get closer to the drop off time. There is an envelope on the tree to place gift cards in should you choose to purchase those for any of the family members. This list will be printed out and in the 1st floor copy room so please remember to cross off anything you will be purchasing or have purchased off the list so we do not double up on presents. **Family 1** 247BBB — Mom 35: shirt — **Medium**; pant — **8**; shoe — Black thickheeled ab; King size bedding Gr 248BBB — Girl 9: shirt; pant; shoe — **2**; White boots with hea; rings/necklaces, Ka 249BBB — Girl 7: shirt — **8**; pant — **8**; shoe — **3**; Black knee high gir **Dog Bed firm, 1" lead leash, Large sweater or shirt for Large Dog** **Family 2** 250CCC — Mom 25: shirt — **Small**; pant — **jeans 28**; shoe — Medium winter coat 251CCC — Boy 6: shirt — 8; pant — 8; shoe — Jeans, spiderman va 252CCC — Boy 4: shirt — 7; pant — 7; shoe — 13; Jeans, winterboots, d

Record 1426

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: NAGTRI Cyber Security Seminar Dec. 8-9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:20:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:20:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:20:48.000 AM

Body	Perfect. Thanks. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Monday, November 29, 2021 10:19:59 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: NAGTRI Cyber Security Seminar Dec. 8-9 Yes, you are. I don't think they have yet obtained a commitment from a representative of Homeland Security for a discussion with you and General Tong, and are inclined to think no one likely will commit. Instead, I think it more likely will be you and General Tong making introductory comments about the importance of this topic. If so, they will be preparing some remarks or comments for consideration. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 9:54 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** RE: NAGTRI Cyber Security Seminar Dec. 8-9 Am I still signed up for this? Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Wednesday, September 29, 2021 3:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** NAGTRI Cyber Security Seminar Dec. 8-9 Wayne: I have tentatively indicated that I thought you would be available on December 8 for the Fireside Chat as a Moderator with General Tong. Of course, I promised to confirm as soon as possible. I don't know whether your schedule allows you to stay for all of Dec. 8 and 9 (if at all); however, I certainly don't think you would be expected to attend the entire event. Thank you for your consideration. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 1427

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: NAGTRI Cyber Security Seminar Dec. 8-9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:20:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:20:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:20:48.000 AM

Body	Perfect. Thanks. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Monday, November 29, 2021 10:19:59 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: NAGTRI Cyber Security Seminar Dec. 8-9 Yes, you are. I don't think they have yet obtained a commitment from a representative of Homeland Security for a discussion with you and General Tong, and are inclined to think no one likely will commit. Instead, I think it more likely will be you and General Tong making introductory comments about the importance of this topic. If so, they will be preparing some remarks or comments for consideration. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 9:54 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** RE: NAGTRI Cyber Security Seminar Dec. 8-9 Am I still signed up for this? Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Wednesday, September 29, 2021 3:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** NAGTRI Cyber Security Seminar Dec. 8-9 Wayne: I have tentatively indicated that I thought you would be available on December 8 for the Fireside Chat as a Moderator with General Tong. Of course, I promised to confirm as soon as possible. I don't know whether your schedule allows you to stay for all of Dec. 8 and 9 (if at all); however, I certainly don't think you would be expected to attend the entire event. Thank you for your consideration. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 1428

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:37:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:37:13.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:37:13.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Monday, November 29, 2021 10:12:15 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Hope For the Holidays Event We are dropping the gifts off the 7th of December. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 10:12 AM **To:** Tryhus, Nicole K. <ntryhus@nd.gov> **Subject:** Re: Hope For the Holidays Event What's the deadline for these gifts? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Monday, November 29, 2021 9:16:36 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** RE: Hope For the Holidays Event Update: Mom 35 from Family 1 is a size 8 shoe. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov (701)328-2210 ntryhus@nd.gov **From:** Tryhus, Nicole K. **Sent:** Friday, November 26, 2021 10:09 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** RE: Hope For the Holidays Event Small correction to the below list under the Boy 6 it should be "Venom Goo Jit Zu toy". Also, under Mom 35 from Family 1 she lists boots as a possible gift but they did not provide her shoe size. We will try to call and get that information and will add it to the list. Thank you and I hope you have a fantastic day! **Nikki Tryhus** Administrative Assistant I Office of Attorney General www.attorneygeneral.nd.gov

Body	(701)328-2210 ntryhus@nd.gov **From:** Tryhus, Nicole K. <ntryhus@nd.gov> **Sent:** Friday, November 26, 2021 9:58 AM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** FW: Hope For the Holidays Event Hello everyone, I am excited to announce that we will once again be participating in the Hope For the Holidays event this year for the Abused Adult Resource Center. We adopted 2 small families and the individuals within the family are located below. These lists are to give ideas of what you may purchase for them, if you wish, and you may purchase whatever you would like for them as well. PLEASE NOTE: **When purchasing toys for children please be aware that due to the fact that a weapon may have been used during a violent incident, we request that no toy guns or weapons be purchased.** Please make sure the items are new and are wrapped or in gift bags and PLEASE make sure the client ID number is clearly marked on each package. Each individual has a number and letter(s) to identify them. We plan on dropping off the gifts around the 7th of December, so please make your purchases accordingly. You can bring the gifts and place them under the reception area Christmas tree or you can keep them with you until we get closer to the drop off time. There is an envelope on the tree to place gift cards in should you choose to purchase those for any of the family members. This list will be printed out and in the 1st floor copy room so please remember to cross off anything you will be purchasing or have purchased off the list so we do not double up on presents. **Family 1** 247BBB — Mom 35 shirt: **Medium** pant: **8** shoe: Black thickheeled ab King size bedding Gre 248BBB — Girl 9 shirt: pant: shoe: **2** White boots with hee rings/necklaces, Ka 249BBB — Girl 7 shirt: **8** pant: **8** shoe: **3** Black knee high girl **Dog Bed firm, 1" lead leash, Large sweater or shirt for Large Dog** **Family 2** 250CCC — Mom 25 shirt: **Small** pant: **jeans 28** shoe: Medium winter coat, Gif 251CCC — Boy 6 shirt: **8** pant: **8** shoe: Jeans, spiderman ve 252CCC — Boy 4 shirt: **7** pant: **7** shoe: **13** Jeans, winterboots, di

Record 1429

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: Hope For the Holidays Event
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:37:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 10:37:13.000 AM
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Record 1430

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	FW: OHSA - Stay-Stage Briefing - UPDATED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:10:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:10:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:10:00.000 AM

Body

What are the 10 states?

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, November 29, 2021 10:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Since I know many of you are also litigating the CMS vaccine mandate, I wanted to pass along the preliminary injunction order we just got from the Eastern District of Missouri. Weâ€™re still digesting this, but it appears that the judge limited the injunctionâ€™s scope to all Medicare and Medicaid providers in the 10 plaintiff states. Even so, the decision is solid, so hopefully, you all can use it in your respective cases.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 11:41 AM
To: Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: OHSA - Stay-Stage Briefing - UPDATED

Thanks, everyone. We now have heard back from: Alabama, Arizona, Georgia, Florida, Iowa, Kansas, Kentucky, Louisiana North Dakota, South Carolina, Texas Utah, and West Virginia. Here is the current draft, which contains some small changes suggested by the various States.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which

Body

the Vaccine Mandate would go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners may need to pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€˜F.4thâ€™, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have asked this Court to vacate the stay earlier, could have sought an expedited schedule before this Court at the same time, or could have gone to the Supreme Court immediately. Yet OSHAâ€™s eventual motion to dissolve the Fifth Circuitâ€™s stay did not even suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay suggests that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. No one stopped the agency from filing an earlier motion to vacate, either. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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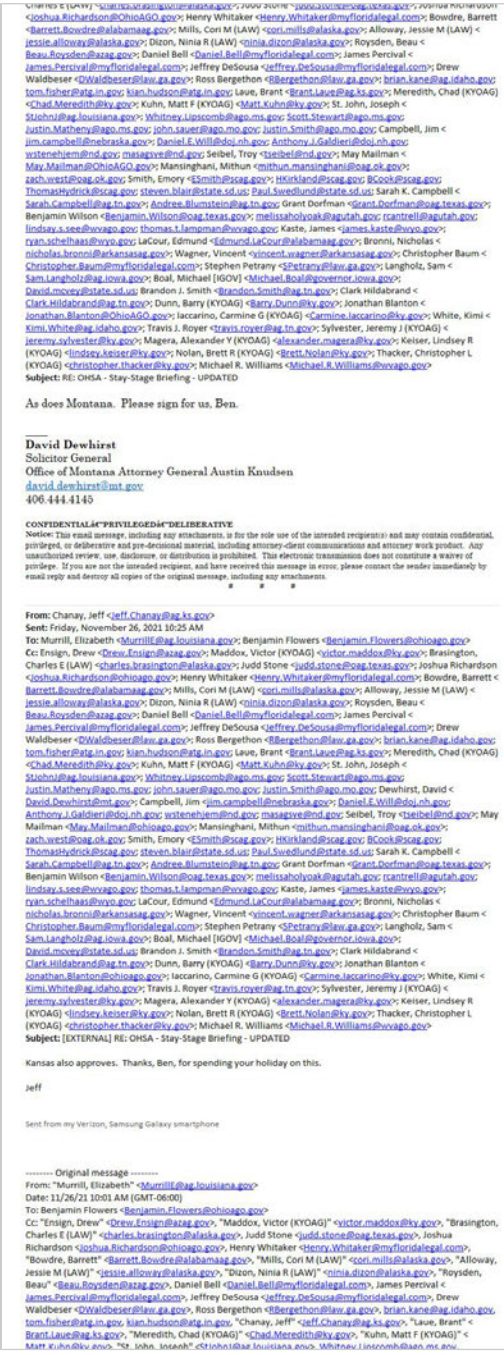
From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 26, 2021 12:36 PM
To: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington,

Body



Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>

Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

As does Montana. Please sign for us, Ben.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>
Sent: Friday, November 26, 2021 10:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: [EXTERNAL] RE: OHSA - Stay-Stage Briefing - UPDATED

Kansas also approves. Thanks, Ben, for spending your holiday on this.

Jeff

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>
Date: 11/26/21 10:01 AM (GMT-06:00)
To: Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: "Ensign, Drew" <Drew.Ensign@azag.gov>, "Maddox, Victor (KYOAG)" <victor.maddox@ky.gov>, "Brasington, Charles E (LAW)" <charles.brasington@alaska.gov>, Judd Stone <judd.stone@oag.texas.gov>, Joshua Richardson <Joshua.Richardson@ohioago.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, "Bowdre, Barrett" <Barrett.Bowdre@alabamaag.gov>, "Mills, Cori M (LAW)" <cori.mills@alaska.gov>, "Alloway, Jessie M (LAW)" <jessie.alloway@alaska.gov>, "Dizon, Ninia R (LAW)" <ninia.dizon@alaska.gov>, "Roysden, Beau" <Beau.Roysden@azag.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Ross Bergethon <RBergethon@law.ga.gov>, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, kian.hudson@atg.in.gov, "Chanay, Jeff" <Jeff.Chanay@ag.ks.gov>, "Laue, Brant" <Brant.Laue@ag.ks.gov>, "Meredith, Chad (KYOAG)" <Chad.Meredith@ky.gov>, "Kuhn, Matt F (KYOAG)" <Matt.Kuhn@ky.gov>, "St. John, Joseph" <StJohnJ@ag.louisiana.gov>, Whitney.Lipscomb@ago.ms.gov

Body

Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, John.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Daniel.E.Will@doj.nh.gov, Anthony.J.Galdieri@doj.nh.gov, ystenehjem@nd.gov, masagove@nd.gov, tseibel@nd.gov, May Mailman <May.Mailman@ohioago.gov>, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, Emory Smith <ESmith@scag.gov>, HKirkland@scag.gov, BCook@scag.gov, ThomasHydrick@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, "Sarah K. Campbell" <Sarah.Campbell@ag.tn.gov>, Andree.Blumstein@ag.tn.gov, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, melissaholyoak@agutah.gov, rcantrell@agutah.gov, lindsay.s.see@wvago.gov, thomas.t.lampman@wvago.gov, James Kaste <james.kaste@wyo.gov>, ryan.schelhaas@wyo.gov, "LaCour, Edmund" <Edmund.LaCour@alabamaag.gov>, nicholas.bronni@arkansasag.gov, Vincent Wagner <vincent.wagner@arkansasag.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Stephen Petrany <SPetrany@law.ga.gov>, "Langholz, Sam" <Sam.Langholz@ag.iowa.gov>, "Boal, Michael [IGOV]" <Michael.Boal@governor.iowa.gov>, David.mcvey@state.sd.us, "Brandon J. Smith" <Brandon.Smith@ag.tn.gov>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, "Dunn, Barry (KYOAG)" <Barry.Dunn@ky.gov>, Jonathan Blanton <Jonathan.Blanton@ohioago.gov>, "Iaccarino, Carmine G (KYOAG)" <Carmine.Iaccarino@ky.gov>, "White, Kimi" <Kimi.White@ag.idaho.gov>, "Travis J. Royer" <travis.royer@ag.tn.gov>, "Sylvester, Jeremy J (KYOAG)" <Jeremy.Sylvester@ky.gov>, "Magera, Alexander Y (KYOAG)" <alexander.magera@ky.gov>, "Keiser, Lindsey R (KYOAG)" <lindsey.keiser@ky.gov>, "Nolan, Brett R (KYOAG)" <Brett.Nolan@ky.gov>, "Thacker, Christopher L (KYOAG)" <christopher.thacker@ky.gov>, "Michael R. Williams" <Michael.R.Williams@wvago.gov>
Subject: Re: OHSA - Stay-Stage Briefing - UPDATED

CAUTION: This email originated from outside of the Office of The Attorney General of Kansas organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louisiana joins too. Thanks for your work on this. Liz

Sent from my iPhone

On Nov 26, 2021, at 9:31 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its "Motion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing." That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHA's request to dissolve the Fifth Circuit's stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29.
The Court should reject OSHA's motion in full, for at least five reasons.
First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.
Second, the proposed stay-schedule is inequitable. The burdens of OSHA's suggested stay-stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitioners' response period by five days, while expanding OSHA's reply period from three days to four. Compare Mt. to Amend Briefing Schedule, Doc. 131 at 2 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.
Third, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHA's administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHA's stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitioners' concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Dep't of Com. v. New York, 139 S. Ct. 2551, 2574 (2019).
Fourth, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court "to direct the petitioners to organize themselves into groups" and to require each group "to file a single brief." See Motion to Amend Schedule at 3. Alternatively, it says, the Court could "set a total word limit and allow petitioners to divide that total briefing among themselves." Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.
Fifth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an "emergency" standard "the "Vaccine Mandate"), requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, 17 F.4th, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stay—though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuit's stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.
OSHA's delay shows that the agency does not really think expediency is needed to protect employees' lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuit's decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHA's sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHA's behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
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From: Benjamin Flowers
Sent: Friday, November 26, 2021 9:31 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.Langa@ag.ks.gov; Grant.Layer@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; ystenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <

Body	Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov> Subject: RE: OHSA - Stay-Stage Briefing Importance: High Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by Monday, November 29, at Noon Eastern. If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below. Sincerely, Ben Flowers P.S.: I reached out to counsel for the DOI about the administrative record. I havenâ€™t heard back yet, hence the highlighting. At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least four reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing: Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. Second, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Dep't of Com. v. New York, 139 S. Ct. 2551, 2574 (2019). Third, the proposed schedule is impractical for another reason: It gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single briefâ€. See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. Fourth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€“F.4th–â€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

1. Enforcement of the Stay. Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. Administrative Record. It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. Potential Discovery. It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

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Subject: RE: OHSA - Stay-Stage Briefing

Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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Subject: RE: OHSA - Stay-Stage Briefing

To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

Charles E. Brasington

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Assuming for the sake of argument that testing is a reasonable requirement in theory, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isnâ€™t requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 10:17 AM To: Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>; Judd Stone <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. 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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@uvago.gov<mailto:Michael.R.Williams@uvago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: Re: OHSA - Stay-Stage Briefing

Body	That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.) On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46. It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew --- From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 6:24:57 AM To: Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph; Whitney Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. 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See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani Subject: OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the en banc brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States or the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, we'll be happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. 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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:10:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:10:00.000 AM

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What are the 10 states?

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Sent: Monday, November 29, 2021 10:50 AM
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Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

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Since I know many of you are also litigating the CMS vaccine mandate. I wanted to pass along the preliminary injunction order we just got from the Eastern District of Missouri. Weâ€™re still digesting this, but it appears that the judge limited the injunctionâ€™s scope to all Medicare and Medicaid providers in the 10 plaintiff states. Even so, the decision is solid, so hopefully, you all can use it in your respective cases.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
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Subject: OHSA - Stay-Stage Briefing - UPDATED

Thanks, everyone. We now have heard back from: Alabama, Arizona, Georgia, Florida, Iowa, Kansas, Kentucky, Louisiana North Dakota, South Carolina, Texas Utah, and West Virginia. Here is the current draft, which contains some small changes suggested by the various States.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which

Body

the Vaccine Mandate would go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners may need to pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€˜F.4thâ€™, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have asked this Court to vacate the stay earlier, could have sought an expedited schedule before this Court at the same time, or could have gone to the Supreme Court immediately. Yet OSHAâ€™s eventual motion to dissolve the Fifth Circuitâ€™s stay did not even suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay suggests that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. No one stopped the agency from filing an earlier motion to vacate, either. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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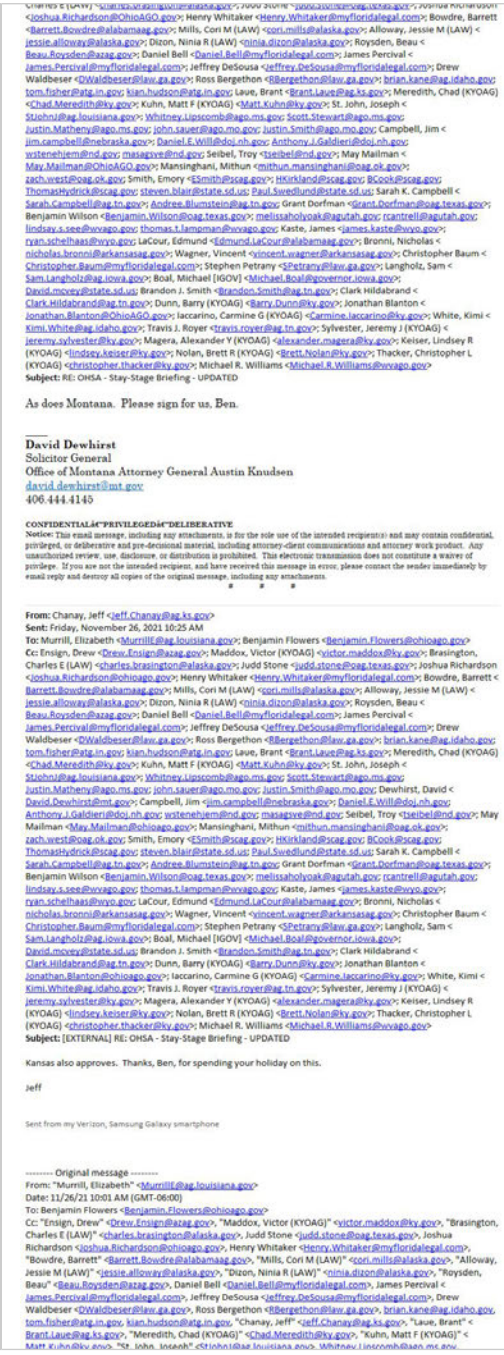
From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 26, 2021 12:36 PM
To: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington,

Body



Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>

Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

As does Montana. Please sign for us, Ben.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>
Sent: Friday, November 26, 2021 10:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: [EXTERNAL] RE: OHSA - Stay-Stage Briefing - UPDATED

Kansas also approves. Thanks, Ben, for spending your holiday on this.

Jeff

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>
Date: 11/26/21 10:01 AM (GMT-06:00)
To: Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: "Ensign, Drew" <Drew.Ensign@azag.gov>, "Maddox, Victor (KYOAG)" <victor.maddox@ky.gov>, "Brasington, Charles E (LAW)" <charles.brasington@alaska.gov>, Judd Stone <judd.stone@oag.texas.gov>, Joshua Richardson <Joshua.Richardson@ohioago.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, "Bowdre, Barrett" <Barrett.Bowdre@alabamaag.gov>, "Mills, Cori M (LAW)" <cori.mills@alaska.gov>, "Alloway, Jessie M (LAW)" <jessie.alloway@alaska.gov>, "Dizon, Ninia R (LAW)" <ninia.dizon@alaska.gov>, "Roysden, Beau" <Beau.Roysden@azag.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Ross Bergethon <RBergethon@law.ga.gov>, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, kian.hudson@atg.in.gov, "Chanay, Jeff" <Jeff.Chanay@ag.ks.gov>, "Laue, Brant" <Brant.Laue@ag.ks.gov>, "Meredith, Chad (KYOAG)" <Chad.Meredith@ky.gov>, "Kuhn, Matt F (KYOAG)" <Matt.Kuhn@ky.gov>, "St. John, Joseph" <StJohnJ@ag.louisiana.gov>, Whitney.Lipscomb@ago.ms.gov

Body	Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, John.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Daniel.E.Will@doj.nh.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagove@nd.gov, tseibel@nd.gov, May Mailman <May.Mailman@ohioago.gov>, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, Emory Smith <ESmith@scag.gov>, HKirkland@scag.gov, BCook@scag.gov, ThomasHydrick@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, "Sarah K. Campbell" <Sarah.Campbell@ag.tn.gov>, Andree.Blumstein@ag.tn.gov, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, melissaholyoak@agutah.gov, rcantrell@agutah.gov, lindsay.s.see@wvago.gov, thomas.t.lampman@wvago.gov, James Kaste <james.kaste@wyo.gov>, ryan.schelhaas@wyo.gov, "LaCour, Edmund" <Edmund.LaCour@alabamaag.gov>, nicholas.bronni@arkansasag.gov, Vincent Wagner <vincent.wagner@arkansasag.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Stephen Petrany <SPetrany@law.ga.gov>, "Langholz, Sam" <Sam.Langholz@ag.iowa.gov>, "Boal, Michael [GOV]" <Michael.Boal@governor.iowa.gov>, David.mcvey@state.sd.us, "Brandon J. Smith" <Brandon.Smith@ag.tn.gov>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, "Dunn, Barry (KYOAG)" <Barry.Dunn@ky.gov>, Jonathan Blanton <Jonathan.Blanton@ohioago.gov>, "Iaccarino, Carmine G (KYOAG)" <Carmine.Iaccarino@ky.gov>, "White, Kimi" <Kimi.White@ag.idaho.gov>, "Travis J. Royer" <travis.royer@ag.tn.gov>, "Sylvester, Jeremy J (KYOAG)" <Jeremy.Sylvester@ky.gov>, "Magera, Alexander Y (KYOAG)" <alexander.magera@ky.gov>, "Keiser, Lindsey R (KYOAG)" <lindsey.keiser@ky.gov>, "Nolan, Brett R (KYOAG)" <Brett.Nolan@ky.gov>, "Thacker, Christopher L (KYOAG)" <christopher.thacker@ky.gov>, "Michael R. Williams" <Michael.R.Williams@wvago.gov> Subject: Re: OHSA - Stay-Stage Briefing - UPDATED CAUTION: This email originated from outside of the Office of The Attorney General of Kansas organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Louisiana joins too. Thanks for your work on this. Liz Sent from my iPhone On Nov 26, 2021, at 9:31 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already. At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least five reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. Second, the proposed stay-schedule is inequitable. The burdens of OSHAâ€™s suggested stay-stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. Compare Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same. Third, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Depâ€™t of Com. v. New York, 139 S. Ct. 2551, 2574 (2019). Fourth, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. Fifth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€“F.4th–â€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. From: Benjamin Flowers Sent: Friday, November 26, 2021 9:31 AM To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.Langa@ag.ks.gov; Grant.Leyn@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; david.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <

Body	Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander T (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov> Subject: RE: OHSA - Stay-Stage Briefing Importance: High Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by Monday, November 29, at Noon Eastern. If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below. Sincerely, Ben Flowers P.S.: I reached out to counsel for the DOI about the administrative record. I havenâ€™t heard back yet, hence the highlighting. At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least four reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. 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If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Dep't of Com. v. New York, 139 S. Ct. 2551, 2574 (2019). Third, the proposed schedule is impractical for another reason: It gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single briefâ€. See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. Fourth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€“F.4th4â€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Williams < Michael.R.Williams@wyago.gov<mailto:Michael.R.Williams@wyago.gov>> Subject: RE: OHSA - Stay-Stage Briefing All, Happy Thanksgiving. (And go Bucks!) After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesn't allow for that. I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4958 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

1. Enforcement of the Stay. Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. Administrative Record. It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. Potential Discovery. It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

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Subject: RE: OHSA - Stay-Stage Briefing

Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision. OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households. The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career. Charles E. Brasington Assistant Attorney General Labor and State Affairs Section Alaska Department of Law 1031 W. 4th Avenue #200 Anchorage, AK 99501 907-269-6612 From: Murrill, Elizabeth <Murrille@ag.louisiana.gov<mailto:Murrille@ag.louisiana.gov>> Sent: Tuesday, November 23, 2021 7:36 AM To: Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>>; Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>; Judd Stone <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; Mills, Cori M (LAW) <cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>;

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Rover <travis.rover@ag.tn.gov<mailto:travis.rover@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@wvago.gov<mailto:Michael.R.Williams@wvago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: RE: OHSA - Stay-Stage Briefing I am also admitted in the 6th. The rule has little to no analysis on the testing requirement because I think it was largely an afterthought. Assuming for the sake of argument that testing is a reasonable requirement in theory, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isnâ€™t requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 10:17 AM To: Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>; Judd Stone <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. 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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@uvago.gov<mailto:Michael.R.Williams@uvago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: Re: OHSA - Stay-Stage Briefing

Body	That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.) On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46. It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew --- From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 6:24:57 AM To: Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph; Whitney Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. 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See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani Subject: OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the en banc brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States or the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, we'll be happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. 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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:31:18.000 AM

Body

Never mind. I see them in the last paragraph

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Stenehjem, Wayne K.
Sent: Monday, November 29, 2021 11:10:27 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: FW: OHSA - Stay-Stage Briefing - UPDATED

What are the 10 states?

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, November 29, 2021 10:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

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Since I know many of you are also litigating the CMS vaccine mandate, I wanted to pass along the preliminary injunction order we just got from the Eastern District of Missouri. Weâ€™re still digesting this, but it appears that the judge limited the injunctionâ€™s scope to all Medicare and Medicaid providers in the 10 plaintiff states. Even so, the decision is solid, so hopefully, you all can use it in your respective cases.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 11:41 AM
To: Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: OHSA - Stay-Stage Briefing - UPDATED

Thanks, everyone. We now have heard back from: Alabama, Arizona, Georgia, Florida, Iowa, Kansas, Kentucky, Louisiana North Dakota, South Carolina, Texas Utah, and West Virginia. Here is the current draft, which contains some small changes suggested by the various States.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to

Body	dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29. The Court should reject OSHAâ€™s motion in full, for at least five reasons. *First* , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate would go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. *Second* , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same. *Third* , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners may need to pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019). *Fourth* , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. *Fifth* , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€“F.4thâ€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€“though it could have asked this Court to vacate the stay earlier, could have sought an expedited schedule before this Court at the same time, or could have gone to the Supreme Court immediately. Yet OSHAâ€™s eventual motion to dissolve the Fifth Circuitâ€™s stay did not even suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay suggests that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. No one stopped the agency from filing an earlier motion to vacate, either. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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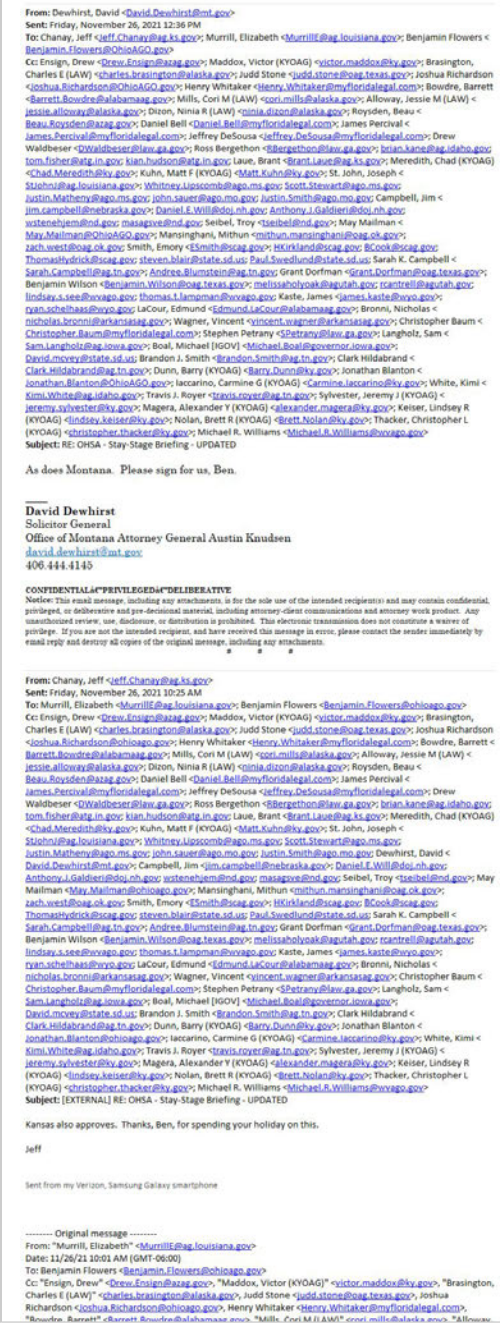

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 26, 2021 12:36 PM
To: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsey.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

As does Montana. Please sign for us, Ben.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>
Sent: Friday, November 26, 2021 10:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: [EXTERNAL] RE: OHSA - Stay-Stage Briefing - UPDATED

Kansas also approves. Thanks, Ben, for spending your holiday on this.

Jeff

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>
Date: 11/26/21 10:01 AM (GMT-06:00)
To: Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: "Ensign, Drew" <Drew.Ensign@azag.gov>, "Maddox, Victor (KYOAG)" <victor.maddox@ky.gov>, "Brasington, Charles E (LAW)" <charles.brasington@alaska.gov>, Judd Stone <judd.stone@oag.texas.gov>, Joshua Richardson <Joshua.Richardson@ohioago.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, "Bowdre, Barrett" <Barrett.Bowdre@alabamaag.gov>, "Mills, Cori M (LAW)" <cori.mills@alaska.gov>, "Alloway,

Body

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Subject: Re: OHSA - Stay-Stage Briefing - UPDATED

CAUTION: This email originated from outside of the Office of The Attorney General of Kansas organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louisiana joins too. Thanks for your work on this. Liz

Sent from my iPhone

On Nov 26, 2021, at 9:31 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29.
The Court should reject OSHAâ€™s motion in full, for at least five reasons.
First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.
Second, the proposed stay-schedule is inequitable. The burdens of OSHAâ€™s suggested stay-stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. Compare Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.
Third, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Depâ€™t of Com. v. New York, 139 S. Ct. 2551, 2574 (2019).
Fourth, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.
Fifth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€˜F.4th–â€™, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.
OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
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From: Benjamin Flowers
Sent: Friday, November 26, 2021 9:31 AM
To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <Murrill@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Smith <Brandon.Smith@ag.tn.gov>; Clark Hildebrand <Clark.Hildebrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov> Subject: RE: OHSA - Stay-Stage Briefing Importance: High Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by Monday, November 29, at Noon Eastern. If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below. Sincerely, Ben Flowers P.S.: I reached out to counsel for the DOI about the administrative record. I havenâ€™t heard back yet, hence the highlighting. At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least four reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. Second, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Dep't of Com. v. New York, 139 S. Ct. 2551, 2574 (2019). Third, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. Fourth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€"F.4th â€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Smith < Brandon.Smith@ag.tn.gov<mailto:Brandon.Smith@ag.tn.gov>>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov<mailto:Clark.Hildabrand@ag.tn.gov>>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov<mailto:Barry.Dunn@ky.gov>>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov<mailto:Jonathan.Blanton@OhioAGO.gov>>; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov<mailto:Carmine.Iaccarino@ky.gov>>; White, Kimi < Kimi.White@ag.idaho.gov<mailto:Kimi.White@ag.idaho.gov>>; Travis J. Royer < travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) < alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Keiser, Lindsey R (KYOAG) < lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) < Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) < christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams < Michael.R.Williams@uwyago.gov<mailto:Michael.R.Williams@uwyago.gov>> Subject: RE: OHSA - Stay-Stage Briefing All, Happy Thanksgiving. (And go Bucks!) After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that. I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. From: Ensign, Drew <Drew.Ensign@ezag.gov<mailto:Drew.Ensign@ezag.gov>> Date: Wednesday, Nov 24, 2021, 11:00 AM To: Maddox, Victor (KYDAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>, Brasington, Charles E (LAW) < charles.brasington@alaska.gov<mailto:charles.brasington@alaska.gov>>, Murrill, Elizabeth < MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>, Benjamin Flowers < Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>>, Judd Stone < Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>, Joshua Richardson < Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>, Bowdre, Barrett < Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>, Mills, Cori M (LAW) < cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>>, Alloway, Jessie M (LAW) < jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>>, Dizon, Ninia R (LAW) < ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>>, Roysden, Beau < Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>, Daniel Bell < Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>, James Percival < James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>, Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>, Drew Waldbeser < DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>, Ross Bergethon < RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>, brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov> < brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>>, tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov> < tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>>, kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov> < kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>>, Jeff.chanay@ag.ks.gov<mailto:Jeff.chanay@ag.ks.gov> < Jeff.chanay@ag.ks.gov<mailto:Jeff.chanay@ag.ks.gov>>, Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov> < Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>>, Meredith, Chad (KYOAG) < Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>>, Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>>, St. John, Joseph < StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>, Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov> < Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>>, Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov> <Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov> >>, Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov> < Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>>, John.sauer@ago.mo.gov<mailto:John.sauer@ago.mo.gov> <John.sauer@ago.mo.gov<mailto:John.sauer@ago.mo.gov>>, Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov> <Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>>, David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov> <David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>>, Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov> < Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>>, Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov> <Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>>, Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov> < Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>>, wstenehjem@nd.gov<mailto:wstenehjem@nd.gov> <wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>>, masagsve@nd.gov<mailto:masagsve@nd.gov> < masagsve@nd.gov<mailto:masagsve@nd.gov>>, tseibel@nd.gov<mailto:tseibel@nd.gov> < tseibel@nd.gov<mailto:tseibel@nd.gov>>, May Mailman < May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>, mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> < mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>>, zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov> <zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>>, Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>, HKirkland@scag.gov<mailto:HKirkland@scag.gov> < HKirkland@scag.gov<mailto:HKirkland@scag.gov>>, BCook@scag.gov<mailto:BCook@scag.gov> < BCook@scag.gov<mailto:BCook@scag.gov>>, Thomas.Hydrick@scag.gov<mailto:Thomas.Hydrick@scag.gov> < Thomas.Hydrick@scag.gov<mailto:Thomas.Hydrick@scag.gov>>, steven.blair@state.sd.us<mailto:steven.blair@state.sd.us> < steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>>, Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us> ><Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>>, Sarah K. 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Rover < travis.rover@ag.tn.gov<mailto:travis.rover@ag.tn.gov>>, Sylvester, Jeremy J (KYOAG) < Jeremy.Sylvester@ky.gov<mailto:Jeremy.Sylvester@ky.gov>>, Magera, Alexander Y (KYOAG) < alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>, Keiser, Lindsey R (KYOAG) < lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>, Nolan, Brett R (KYOAG) < Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>, Thacker, Christopher L (KYOAG) < christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>, Michael R. Williams < Michael.R.Williams@wvago.gov<mailto:Michael.R.Williams@wvago.gov>> Subject: Re: OHSA - Stay-Stage Briefing COMMON INTEREST PRIVILEGE Hi all, Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group. 1. Enforcement of the Stay. Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary. 2. Administrative Record. It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications. 3. Potential Discovery. It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful. Food for thought. Please let us know if it would be helpful to discuss by phone or email further. Have a great Thanksgiving. Drew _____ From: Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>> Sent: Tuesday, November 23, 2021 11:36 AM To: Brasington, Charles E (LAW); Murrill, Elizabeth; Benjamin Flowers; Ensign, Drew; Judd Stone; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov >; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us >; Sarah K. 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Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG); May Mailman; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; Jonathan Blanton; lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Rover; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: RE: OHSA - Stay-Stage Briefing Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit: â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532. Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing. â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529. Victor B. Maddox | Associate Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601|(502) 696-5336 Victor.Maddox@ky.gov<mailto:Victor.Maddox@ky.gov>

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Subject: RE: OHSA - Stay-Stage Briefing

To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

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Assuming for the sake of argument that testing is a reasonable requirement in theory, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isnâ€™t requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. 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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Body	Subject: Re: OHSA - Stay-Stage Briefing That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.) On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46. It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> Sent: Tuesday, November 23, 2021 6:24:57 AM To: Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov; jessie.alloway@alaska.gov; ninia.dizon@alaska.gov; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Chad.Meredith@ky.gov; Matt.Kuhn@ky.gov; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste; ryan.schelhaas@wyo.gov; LaCour, Edmund; nicholas.bronni@arkansasag.gov; Vincent Wagner; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [GOV]; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; anthony.j.galdieri@doj.nh.gov; charles.brasington@alaska.gov; Brandon J. Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); Chanay, Jeff; Dunn, Barry (KYOAG); May Mailman; Laue, Brant; Kane, Brian; Jonathan Blanton; Lindsay S. See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani Subject: OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the en banc brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States or the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, weâ€™re happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4958 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. 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Record 1433

Sender Name	Stenehjem, Wayne K.
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Subject	Re: OHSA - Stay-Stage Briefing - UPDATED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:30:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:31:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:31:18.000 AM

Body

Never mind. I see them in the last paragraph

Sent from my Verizon, Samsung Galaxy smartphone
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From: Stenehjem, Wayne K.
Sent: Monday, November 29, 2021 11:10:27 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: FW: OHSA - Stay-Stage Briefing - UPDATED

What are the 10 states?

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, November 29, 2021 10:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
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Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

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Since I know many of you are also litigating the CMS vaccine mandate, I wanted to pass along the preliminary injunction order we just got from the Eastern District of Missouri. Weâ€™re still digesting this, but it appears that the judge limited the injunctionâ€™s scope to all Medicare and Medicaid providers in the 10 plaintiff states. Even so, the decision is solid, so hopefully, you all can use it in your respective cases.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 11:41 AM
To: Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: OHSA - Stay-Stage Briefing - UPDATED

Thanks, everyone. We now have heard back from: Alabama, Arizona, Georgia, Florida, Iowa, Kansas, Kentucky, Louisiana North Dakota, South Carolina, Texas Utah, and West Virginia. Here is the current draft, which contains some small changes suggested by the various States.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to

Body	dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29. The Court should reject OSHAâ€™s motion in full, for at least five reasons. *First* , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate would go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. *Second* , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same. *Third* , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners may need to pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019). *Fourth* , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. *Fifth* , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€“F.4thâ€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€“though it could have asked this Court to vacate the stay earlier, could have sought an expedited schedule before this Court at the same time, or could have gone to the Supreme Court immediately. Yet OSHAâ€™s eventual motion to dissolve the Fifth Circuitâ€™s stay did not even suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay suggests that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. No one stopped the agency from filing an earlier motion to vacate, either. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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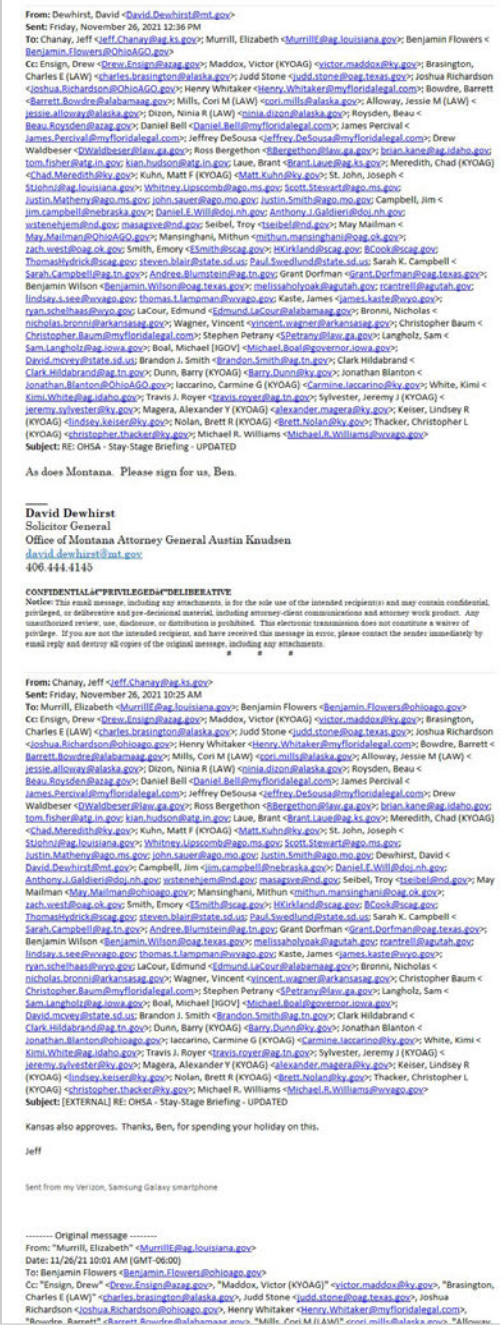

From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 26, 2021 12:36 PM
To: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsey.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

As does Montana. Please sign for us, Ben.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>
Sent: Friday, November 26, 2021 10:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: [EXTERNAL] RE: OHSA - Stay-Stage Briefing - UPDATED

Kansas also approves. Thanks, Ben, for spending your holiday on this.

Jeff

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>
Date: 11/26/21 10:01 AM (GMT-06:00)
To: Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: "Ensign, Drew" <Drew.Ensign@azag.gov>, "Maddox, Victor (KYOAG)" <victor.maddox@ky.gov>, "Brasington, Charles E (LAW)" <charles.brasington@alaska.gov>, Judd Stone <judd.stone@oag.texas.gov>, Joshua Richardson <Joshua.Richardson@ohioago.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, "Bowdre, Barrett" <Barrett.Bowdre@alabamaag.gov>, "Mills, Cori M (LAW)" <cori.mills@alaska.gov>, "Alloway,

Body	Jessie M (LAW)" <jessie.alloway@alaska.gov>, "Dizon, Ninia R (LAW)" <ninia.dizon@alaska.gov>, "Roysden, Beau" <Beau.Roysden@azag.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Ross Bergethon <RBergethon@law.ga.gov>, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, kian.hudson@atg.in.gov, "Chaney, Jeff" <Jeff.Chaney@ag.ks.gov>, "Laue, Brant" <Brant.Laue@ag.ks.gov>, "Meredith, Chad (KYOAG)" <Chad.Meredith@ky.gov>, "Kuhn, Matt F (KYOAG)" <Matt.Kuhn@ky.gov>, "St. John, Joseph" <StJohnJ@ag.louisiana.gov>, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Daniel.F.Will@doj.nh.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagsve@nd.gov, tseibel@nd.gov, May Mailman <May.Mailman@ohioago.gov>, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, Emory Smith <ESmith@scag.gov>, HKirkland@scag.gov, BCook@scag.gov, ThomasHydrick@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, "Sarah K. Campbell" <Sarah.Campbell@ag.tn.gov>, Andree.Blumstein@ag.tn.gov, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, melissahofyoak@agutah.gov, rcantrell@agutah.gov, lindsay.s.see@wyoag.gov, thomas.t.lampman@wyoag.gov, James Kaste <james.kaste@wyo.gov>, ryan.schelhaas@wyo.gov, "LaCour, Edmund" <Edmund.LaCour@alabamaag.gov>, nicholas.bronni@arkansasag.gov, Vincent Wagner <vincent.wagner@arkansasag.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Stephen Petrany <SPetrany@law.ga.gov>, "Langholz, Sam" <Sam.Langholz@ag.iowa.gov>, "Boal, Michael [GOV]" <Michael.Boal@governor.iowa.gov>, David.mcvey@state.sd.us, "Brandon J. Smith" <Brandon.Smith@ag.tn.gov>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, "Dunn, Barry (KYOAG)" <Barry.Dunn@ky.gov>, Jonathan Blanton <Jonathan.Blanton@ohioago.gov>, "laccarino, Carmine G (KYOAG)" <Carmine.laccarino@ky.gov>, "White, Kimi" <Kimi.White@ag.idaho.gov>, "Travis J. Royer" <travis.royer@ag.tn.gov>, "Sylvester, Jeremy J (KYOAG)" <jeremy.sylvester@ky.gov>, "Magera, Alexander Y (KYOAG)" <alexander.magera@ky.gov>, "Keiser, Lindsey R (KYOAG)" <lindsey.keiser@ky.gov>, "Nolan, Brett R (KYOAG)" <Brett.Nolan@ky.gov>, "Thacker, Christopher L (KYOAG)" <christopher.thacker@ky.gov>, "Michael R. Williams" <Michael.R.Williams@wvago.gov> Subject: Re: OHSA - Stay-Stage Briefing - UPDATED CAUTION: This email originated from outside of the Office of The Attorney General of Kansas organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Louisiana joins too. Thanks for your work on this. Liz Sent from my iPhone On Nov 26, 2021, at 9:31 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already. At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least five reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. 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Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. From: Benjamin Flowers Sent: Friday, November 26, 2021 9:31 AM To: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <Murrill@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Jeff.Chaney@ag.ks.gov; Brant.Laue@ag.ks.gov; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.F.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov;

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Smith <Brandon.Smith@ag.tn.gov>; Clark Hildebrand <Clark.Hildebrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov> Subject: RE: OHSA - Stay-Stage Briefing Importance: High Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by Monday, November 29, at Noon Eastern. If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below. Sincerely, Ben Flowers P.S.: I reached out to counsel for the DOI about the administrative record. I havenâ€™t heard back yet, hence the highlighting. At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least four reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. Second, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Dep't of Com. v. New York, 139 S. Ct. 2551, 2574 (2019). Third, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. Fourth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€“F.4th â€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Williams < Michael.R.Williams@uwyago.gov<mailto:Michael.R.Williams@uwyago.gov>> Subject: RE: OHSA - Stay-Stage Briefing All, Happy Thanksgiving. (And go Bucks!) After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that. I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Royer < travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>, Sylvester, Jeremy J (KYOAG) < Jeremy.Sylvester@ky.gov<mailto:Jeremy.Sylvester@ky.gov>>, Magera, Alexander Y (KYOAG) < alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>, Keiser, Lindsey R (KYOAG) < lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>, Nolan, Brett R (KYOAG) < Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>, Thacker, Christopher L (KYOAG) < christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>, Michael R. Williams < Michael.R.Williams@wvago.gov<mailto:Michael.R.Williams@wvago.gov>> Subject: Re: OHSA - Stay-Stage Briefing COMMON INTEREST PRIVILEGE Hi all, Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group. 1. Enforcement of the Stay. Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary. 2. Administrative Record. It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications. 3. Potential Discovery. It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful. Food for thought. Please let us know if it would be helpful to discuss by phone or email further. Have a great Thanksgiving, Drew _____ From: Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>> Sent: Tuesday, November 23, 2021 11:36 AM To: Brasington, Charles E (LAW); Murrill, Elizabeth; Benjamin Flowers; Ensign, Drew; Judd Stone; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; Jeff.chanay@ag.ks.gov<mailto:Jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov >; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us >; Sarah K. 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Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); Jeff.chanay@ag.ks.gov<mailto:Jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG); May Mailman; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; Jonathan Blanton; lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: RE: OHSA - Stay-Stage Briefing Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit: â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532. Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing. â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529. Victor B. Maddox	Associate Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601|(502) 696-5336 Victor.Maddox@ky.gov<mailto:Victor.Maddox@ky.gov>

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Subject: RE: OHSA - Stay-Stage Briefing

To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov<mailto:Jeremy.Sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@ovago.gov<mailto:Michael.R.Williams@ovago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: RE: OHSA - Stay-Stage Briefing I am also admitted in the 6th. The rule has little to no analysis on the testing requirement because I think it was largely an afterthought. Assuming for the sake of argument that testing is a reasonable requirement in theory, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isn't requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. 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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Campbell <Sarah.Campbell@ag.tn.gov<mailto:Sarah.Campbell@ag.tn.gov>>; Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov<mailto:Grant.Dorfman@oag.texas.gov>>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov<mailto:Benjamin.Wilson@oag.texas.gov>>; melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>; rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>; lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov<mailto:James.kaste@wyo.gov>>; ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov<mailto:Edmund.LaCour@alabamaag.gov>>; nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov<mailto:vincent.wagner@arkansasag.gov>>; Christopher Baum <Christopher.Baum@myfloridalegal.com<mailto:Christopher.Baum@myfloridalegal.com>>; Stephen Petrany <SPetrany@LAW.GA.GOV<mailto:SPetrany@LAW.GA.GOV>>; Langholz, Sam <Sam.Langholz@ag.iowa.gov<mailto:Sam.Langholz@ag.iowa.gov>>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov<mailto:Michael.Boal@governor.iowa.gov>>; ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us<mailto:david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; charles.brasington@alaska.gov<mailto:charles.brasington@alaska.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov<mailto:Brandon.Smith@ag.tn.gov>>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov<mailto:Clark.Hildabrand@ag.tn.gov>>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov<mailto:Barry.Dunn@ky.gov>>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov<mailto:Jonathan.Blanton@OhioAGO.gov>>; lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov<mailto:Carmine.Iaccarino@ky.gov>>; White, Kimi <Kimi.White@ag.idaho.gov<mailto:Kimi.White@ag.idaho.gov>>; Travis J. 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Body	Subject: Re: OHSA - Stay-Stage Briefing That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.) On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46. It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew --- From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 6:24:57 AM To: Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; Jeff.chanay@ag.ks.gov<mailto:Jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; John.sauer@ago.mo.gov<mailto:John.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov<mailto:Andree.Blumstein@ag.tn.gov>; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov<mailto:melissaholyoak@agutah.gov>; rcantrell@agutah.gov<mailto:rcantrell@agutah.gov>; lindsay.s.see@wvago.gov<mailto:lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov<mailto:thomas.t.lampman@wvago.gov>; James Kaste; ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>; LaCour, Edmund; nicholas.bronni@arkansasag.gov<mailto:nicholas.bronni@arkansasag.gov>; Vincent Wagner; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [GOV]; ryan.schelhaas@wyo.gov<mailto:ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us<mailto:david.mcvey@state.sd.us>; anthony.j.galdieri@doj.nh.gov<mailto:anthony.j.galdieri@doj.nh.gov>; charles.brasington@alaska.gov<mailto:charles.brasington@alaska.gov>; Brandon J. Smith; Clark Hildabrand; Kuhn, Matt F (KYOAG); Chanay, Jeff; Dunn, Barry (KYOAG); May Mailman; Laue, Brant; Kane, Brian; Jonathan Blanton; Lindsay S. See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani Subject: OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the en banc brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States or the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, weâ€™re happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4958 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. 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Record 1434

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Subject	Fwd: OHSA - Stay-Stage Briefing - UPDATED
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:31:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:32:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 11:32:50.000 AM

Body

We need to get a release done on this

Sent from my Verizon, Samsung Galaxy smartphone
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From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Monday, November 29, 2021 11:31:18 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: OHSA - Stay-Stage Briefing - UPDATED

Never mind. I see them in the last paragraph

Sent from my Verizon, Samsung Galaxy smartphone
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From: Stenehjem, Wayne K.
Sent: Monday, November 29, 2021 11:10:27 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: FW: OHSA - Stay-Stage Briefing - UPDATED

What are the 10 states?

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, November 29, 2021 10:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael (IGOV) <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

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Since I know many of you are also litigating the CMS vaccine mandate, I wanted to pass along the preliminary injunction order we just got from the Eastern District of Missouri. Weâ€™re still digesting this, but it appears that the judge limited the injunctionâ€™s scope to all Medicare and Medicaid providers in the 10 plaintiff states. Even so, the decision is solid, so hopefully, you all can use it in your respective cases.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 11:41 AM
To: Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael (IGOV) <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: OHSA - Stay-Stage Briefing - UPDATED

Thanks, everyone. We now have heard back from: Alabama, Arizona, Georgia, Florida, Iowa, Kansas, Kentucky, Louisiana North Dakota, South Carolina, Texas Utah, and West Virginia. Here is the

Body

current draft, which contains some small changes suggested by the various States.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate would go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners may need to pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€“F.4thâ€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€“though it could have asked this Court to vacate the stay earlier, could have sought an expedited schedule before this Court at the same time, or could have gone to the Supreme Court immediately. Yet OSHAâ€™s eventual motion to dissolve the Fifth Circuitâ€™s stay did not even suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay suggests that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. No one stopped the agency from filing an earlier motion to vacate, either. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
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Body

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From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 26, 2021 12:36 PM
To: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

As does Montana. Please sign for us, Ben.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>
Sent: Friday, November 26, 2021 10:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: [EXTERNAL] RE: OHSA - Stay-Stage Briefing - UPDATED

Kansas also approves. Thanks, Ben, for spending your holiday on this.

Jeff

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------

Body

From: "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>
Date: 11/26/21 10:01 AM (GMT-06:00)
To: Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: "Ensign, Drew" <Drew.Ensign@azag.gov>, "Maddox, Victor (KYOAG)" <victor.maddox@ky.gov>, "Brasington, Charles E (LAW)" <charles.brasington@alaska.gov>, Judd Stone <judd.stone@oag.texas.gov>, Joshua Richardson <Joshua.Richardson@ohioago.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, "Bowdre, Barrett" <Barrett.Bowdre@alabamaag.gov>, "Mills, Cori M (LAW)" <cori.mills@alaska.gov>, "Alloway, Jessie M (LAW)" <jessie.alloway@alaska.gov>, "Dizon, Ninia R (LAW)" <ninia.dizon@alaska.gov>, "Roysden, Beau" <Beau.Roysden@azag.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Ross Bergethon <RBergethon@law.ga.gov>, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, kian.hudson@atg.in.gov, "Chanay, Jeff" <Jeff.Chanay@ag.ks.gov>, "Laue, Brant" <Brant.Laue@ag.ks.gov>, "Meredith, Chad (KYOAG)" <Chad.Meredith@ky.gov>, "Kuhn, Matt F (KYOAG)" <Matt.Kuhn@ky.gov>, "St. John, Joseph" <StJohnJ@ag.louisiana.gov>, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Daniel.E.Will@doj.nh.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagove@nd.gov, tsielbel@nd.gov, May Mailman <May.Mailman@ohioago.gov>, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, Emory Smith <ESmith@scag.gov>, HKirkland@scag.gov, BCook@scag.gov, ThomasHydrick@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, "Sarah K. Campbell" <Sarah.Campbell@ag.tn.gov>, Andree.Blumstein@ag.tn.gov, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, melissaholyoak@agutah.gov, rcantrell@agutah.gov, lindsay.s.see@wvago.gov, thomas.t.lampman@wvago.gov, James Kaste <james.kaste@wyo.gov>, ryan.schelhaas@wyo.gov, "LaCour, Edmund" <Edmund.LaCour@alabamaag.gov>, nicholas.bronni@arkansasag.gov, Vincent Wagner <vincent.wagner@arkansasag.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Stephen Petrany <SPetrany@law.ga.gov>, "Langholz, Sam" <Sam.Langholz@ag.iowa.gov>, "Boal, Michael (GOV)" <Michael.Boal@governor.iowa.gov>, David.mcvey@state.sd.us, "Brandon J. Smith" <Brandon.Smith@ag.tn.gov>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, "Dunn, Barry (KYOAG)" <Barry.Dunn@ky.gov>, Jonathan Blanton <Jonathan.Blanton@ohioago.gov>, "Iaccarino, Carmine G (KYOAG)" <Carmine.Iaccarino@ky.gov>, "White, Kimi" <Kimi.White@ag.idaho.gov>, "Travis J. Royer" <travis.royer@ag.tn.gov>, "Sylvester, Jeremy J (KYOAG)" <Jeremy.Sylvester@ky.gov>, "Magera, Alexander Y (KYOAG)" <Alexander.Magera@ky.gov>, "Keiser, Lindsey R (KYOAG)" <lindsey.keiser@ky.gov>, "Nolan, Brett R (KYOAG)" <Brett.Nolan@ky.gov>, "Thacker, Christopher L (KYOAG)" <christopher.thacker@ky.gov>, "Michael R. Williams" <Michael.R.Williams@wvago.gov>
Subject: Re: OHSA - Stay-Stage Briefing - UPDATED

CAUTION: This email originated from outside of the Office of The Attorney General of Kansas organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louisiana joins too. Thanks for your work on this. Liz

Sent from my iPhone

On Nov 26, 2021, at 9:31 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

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Fifth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccinate&Testâ€ requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€˜F.4th â€˜, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.
OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <

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Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@uwago.gov> Subject: RE: OHSA - Stay-Stage Briefing Importance: High Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by Monday, November 29, at Noon Eastern. If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below. Sincerely, Ben Flowers P.S.: I reached out to counsel for the DOJ about the administrative record. I havenâ€™t heard back yet, hence the highlighting. At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least four reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. Second, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Dep't of Com. v. New York, 139 S. Ct. 2551, 2574 (2019). Third, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. Fourth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€"F.4th â€", 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€"though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Smith < Brandon.Smith@ag.tn.gov<mailto:Brandon.Smith@ag.tn.gov>>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov<mailto:Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov<mailto:Barry.Dunn@ky.gov>>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov<mailto:Jonathan.Blanton@OhioAGO.gov>>; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov<mailto:Carmine.Iaccarino@ky.gov>>; White, Kimi < Kimi.White@ag.idaho.gov<mailto:Kimi.White@ag.idaho.gov>>; Travis J. Rover < travis.rover@ag.tn.gov<mailto:travis.rover@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) < Jeremy.sylvester@ky.gov<mailto:Jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) < alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Keiser, Lindsey R (KYOAG) < lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) < Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) < christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams < Michael.R.Williams@wyago.gov<mailto:Michael.R.Williams@wyago.gov>> Subject: RE: OHSA - Stay-Stage Briefing All, Happy Thanksgiving. (And go Bucks!) After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that. I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 796-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

1. Enforcement of the Stay. Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at S1) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. Administrative Record. It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. Potential Discovery. It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

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Subject: RE: OHSA - Stay-Stage Briefing

Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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Subject: RE: OHSA - Stay-Stage Briefing

To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@uvago.gov<mailto:Michael.R.Williams@uvago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: RE: OHSA - Stay-Stage Briefing I am also admitted in the 6th. The rule has little to no analysis on the testing requirement because I think it was largely an afterthought. Assuming for the sake of argument that testing is a reasonable requirement in theory, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isn&â€™t requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. 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I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@wvago.gov<mailto:Michael.R.Williams@wvago.gov>>;

Body	mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: Re: OHSA - Stay-Stage Briefing That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.) On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46. It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew _____ From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 6:24:57 AM To: Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; John.sauer@ago.mo.gov<mailto:John.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; Thomas Hydrick@scag.gov<mailto:Thomas Hydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. 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See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani Subject: OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the en banc brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States or the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, we'll be happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4958 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. 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Body

We need to get a release done on this

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Sent: Monday, November 29, 2021 11:31:18 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: OHSA - Stay-Stage Briefing - UPDATED

Never mind. I see them in the last paragraph

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Sent: Monday, November 29, 2021 11:10:27 AM
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Subject: FW: OHSA - Stay-Stage Briefing - UPDATED

What are the 10 states?

From: Campbell, Jim <Jim.Campbell@nebraska.gov>
Sent: Monday, November 29, 2021 10:50 AM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
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Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

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Since I know many of you are also litigating the CMS vaccine mandate, I wanted to pass along the preliminary injunction order we just got from the Eastern District of Missouri. Weâ€™re still digesting this, but it appears that the judge limited the injunctionâ€™s scope to all Medicare and Medicaid providers in the 10 plaintiff states. Even so, the decision is solid, so hopefully, you all can use it in your respective cases.

From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Friday, November 26, 2021 11:41 AM
To: Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael (IGOV) <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov
Subject: OHSA - Stay-Stage Briefing - UPDATED

Thanks, everyone. We now have heard back from: Alabama, Arizona, Georgia, Florida, Iowa, Kansas, Kentucky, Louisiana North Dakota, South Carolina, Texas Utah, and West Virginia. Here is the

Body

current draft, which contains some small changes suggested by the various States.

At 4:05 PM on the day before Thanksgiving, and without any consultation with Petitioners, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing.â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case *on the merits* by December 29.

The Court should reject OSHAâ€™s motion in full, for at least five reasons.

First , this lightning- speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate would go into full effect. *COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 8 6 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now.

Second , the proposed stay- schedule is inequitable. The burdens of OSHAâ€™s suggested stay- stage briefing schedule would fall exclusively on the petitioners: the proposed schedule shortens the petitionersâ€™ response period by five days, while expanding OSHAâ€™s reply period from three days to four. *Compare* Mt. to Amend Briefing Schedule, Doc. 131 at 2â€“3 with Scheduling Order, Doc. 141. If OSHA is going to demand that everyone else move faster, it should at least be willing to do the same.

Third , the merits- briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States , would not commit to providing it by any date. Depending on what the administrative record says, the petitioners may need to pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. *See BST Holdings* , 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. *See, e.g.* , *Depâ€™t of Com. v. New York* , 139 S. Ct. 2551, 2574 (2019).

Fourth , the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ *See* Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ *Id* . The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.

Fifth , and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. *See COVID- 19 Vaccination and Testing; Emergency Temporary Standard* , 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, *BST Holdings, L.L.C. v. OSHA* , â€“F.4thâ€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€“though it could have asked this Court to vacate the stay earlier, could have sought an expedited schedule before this Court at the same time, or could have gone to the Supreme Court immediately. Yet OSHAâ€™s eventual motion to dissolve the Fifth Circuitâ€™s stay did not even suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.

OSHAâ€™s delay suggests that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. No one stopped the agency from filing an earlier motion to vacate, either. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

Ben Flowers
Ohio Solicitor General
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Body

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From: Dewhirst, David <David.Dewhirst@mt.gov>
Sent: Friday, November 26, 2021 12:36 PM
To: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: RE: OHSA - Stay-Stage Briefing - UPDATED

As does Montana. Please sign for us, Ben.

David Dewhirst
Solicitor General
Office of Montana Attorney General Austin Knudsen
david.dewhirst@mt.gov
406.444.4145

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\# \# \#

From: Chanay, Jeff <Jeff.Chanay@ag.ks.gov>
Sent: Friday, November 26, 2021 10:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; Dewhirst, David <David.Dewhirst@mt.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>
Subject: [EXTERNAL] RE: OHSA - Stay-Stage Briefing - UPDATED

Kansas also approves. Thanks, Ben, for spending your holiday on this.

Jeff

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------

Body

From: "Murrill, Elizabeth" <MurrillE@ag.louisiana.gov>
Date: 11/26/21 10:01 AM (GMT-06:00)
To: Benjamin Flowers <Benjamin.Flowers@ohioago.gov>
Cc: "Ensign, Drew" <Drew.Ensign@azag.gov>, "Maddox, Victor (KYOAG)" <victor.maddox@ky.gov>, "Brasington, Charles E (LAW)" <charles.brasington@alaska.gov>, Judd Stone <judd.stone@oag.texas.gov>, Joshua Richardson <Joshua.Richardson@ohioago.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, "Bowdre, Barrett" <Barrett.Bowdre@alabamaag.gov>, "Mills, Cori M (LAW)" <cori.mills@alaska.gov>, "Alloway, Jessie M (LAW)" <jessie.alloway@alaska.gov>, "Dizon, Ninia R (LAW)" <ninia.dizon@alaska.gov>, "Roysden, Beau" <Beau.Roysden@azag.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Ross Bergethon <RBergethon@law.ga.gov>, brian.kane@ag.idaho.gov, tom.fisher@atg.in.gov, kian.hudson@atg.in.gov, "Chanay, Jeff" <Jeff.Chanay@ag.ks.gov>, "Laue, Brant" <Brant.Laue@ag.ks.gov>, "Meredith, Chad (KYOAG)" <Chad.Meredith@ky.gov>, "Kuhn, Matt F (KYOAG)" <Matt.Kuhn@ky.gov>, "St. John, Joseph" <StJohnJ@ag.louisiana.gov>, Whitney.Lipscomb@ago.ms.gov, Scott.Stewart@ago.ms.gov, Justin.Matheny@ago.ms.gov, john.sauer@ago.mo.gov, Justin.Smith@ago.mo.gov, David.Dewhirst@mt.gov, Jim.Campbell@nebraska.gov, Daniel.E.Will@doj.nh.gov, Anthony.J.Galdieri@doj.nh.gov, wstenehjem@nd.gov, masagove@nd.gov, tsielbel@nd.gov, May Mailman <May.Mailman@ohioago.gov>, mithun.mansinghani@oag.ok.gov, zach.west@oag.ok.gov, Emory Smith <ESmith@scag.gov>, HKirkland@scag.gov, BCook@scag.gov, ThomasHydrick@scag.gov, steven.blair@state.sd.us, Paul.Swedlund@state.sd.us, "Sarah K. Campbell" <Sarah.Campbell@ag.tn.gov>, Andree.Blumstein@ag.tn.gov, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, melissaholyoak@agutah.gov, rcantrell@agutah.gov, lindsay.s.see@wvago.gov, thomas.t.lampman@wvago.gov, James Kaste <james.kaste@wyo.gov>, ryan.schelhaas@wyo.gov, "LaCour, Edmund" <Edmund.LaCour@alabamaag.gov>, nicholas.bronni@arkansasag.gov, Vincent Wagner <vincent.wagner@arkansasag.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Stephen Petrany <SPetrany@law.ga.gov>, "Langholz, Sam" <Sam.Langholz@ag.iowa.gov>, "Boal, Michael (GOV)" <Michael.Boal@governor.iowa.gov>, David.mcvey@state.sd.us, "Brandon J. Smith" <Brandon.Smith@ag.tn.gov>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, "Dunn, Barry (KYOAG)" <Barry.Dunn@ky.gov>, Jonathan Blanton <Jonathan.Blanton@ohioago.gov>, "Iaccarino, Carmine G (KYOAG)" <Carmine.Iaccarino@ky.gov>, "White, Kimi" <Kimi.White@ag.idaho.gov>, "Travis J. Royer" <travis.royer@ag.tn.gov>, "Sylvester, Jeremy J (KYOAG)" <Jeremy.Sylvester@ky.gov>, "Magera, Alexander Y (KYOAG)" <Alexander.Magera@ky.gov>, "Keiser, Lindsey R (KYOAG)" <lindsey.keiser@ky.gov>, "Nolan, Brett R (KYOAG)" <Brett.Nolan@ky.gov>, "Thacker, Christopher L (KYOAG)" <christopher.thacker@ky.gov>, "Michael R. Williams" <Michael.R.Williams@wvago.gov>
Subject: Re: OHSA - Stay-Stage Briefing - UPDATED

CAUTION: This email originated from outside of the Office of The Attorney General of Kansas organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louisiana joins too. Thanks for your work on this. Liz

Sent from my iPhone

On Nov 26, 2021, at 9:31 AM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote:

CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

Here is a revised version, which incorporates some changes from other States. Thanks to Georgia, South Carolina, and Texas for joining already.

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Fourth, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single briefâ€. See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed.
Fifth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccinate&Testâ€ requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, L.L.C. v. OSHA, â€˜F.4th â€˜, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks.
OSHAâ€™s delay shows that the agency does not really think expediency is needed to protect employeesâ€™ lives; if it really believed that, it would have issued the Vaccine Mandate months ago, and filed for relief in the Supreme Court within hours of the Fifth Circuitâ€™s decision. If time is now short before the arbitrary deadline of January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame.

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Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@uwago.gov> Subject: RE: OHSA - Stay-Stage Briefing Importance: High Here is an attached response. Itâ€™s very short, because there is not much to say. The sooner we can file the better. So please let me know if youâ€™d like to sign by Monday, November 29, at Noon Eastern. If I hear from everyone today, I can file today. For the convenience of those who are traveling, Iâ€™ve copied the fully text of the response into this email below. Sincerely, Ben Flowers P.S.: I reached out to counsel for the DOJ about the administrative record. I havenâ€™t heard back yet, hence the highlighting. At 4:05 PM on the day before Thanksgiving, OSHA filed its â€œMotion to Amend Schedule for Stay Briefing and to Set Schedule for Merits Briefing â€ That motion proposes a schedule that would require the parties to fully brief, by December 6, OSHAâ€™s request to dissolve the Fifth Circuitâ€™s stay. Further, the schedule would require the parties to fully brief the case on the merits by December 29. The Court should reject OSHAâ€™s motion in full, for at least four reasons. First, this lightning-speed approach to these issues is unnecessary. The current schedule allows this Court to either vacate the stay, or not, by mid-December. That will leave the parties with ample time to ask the Supreme Court to either reinstate or vacate the stay before January 4, which is the date on which the Vaccine Mandate will go into full effect. COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61551 (Nov. 5, 2021). If OSHA is not content to wait a few weeks for a ruling on its motion to dissolve the stay, it can go to the Supreme Court now. Second, the merits-briefing schedule that OSHA proposes will not allow for full development of the issues before this Court. In this challenge to OSHAâ€™s administrative action, the petitioners are entitled to a complete administrative record. OSHA has yet to provide that record and, in conversations with counsel for the States, would not commit to providing it by any date. Depending on what the administrative record says, the petitioners will pursue discovery. Here, public statements from federal officials suggest that OSHAâ€™s stated reasons for promulgating the Vaccine Mandate are pretextual. See BST Holdings, 2021 WL 5279381 at *5. If the administrative record does not adequately account for the petitionersâ€™ concerns regarding pretext, the petitioners will pursue, and will likely be entitled to, discovery. See, e.g., Dep't of Com. v. New York, 139 S. Ct. 2551, 2574 (2019). Third, the proposed schedule is impractical for another reason: it gives the petitioners almost no time to coordinate their filings with this Court. OSHA asks this Court â€œto direct the petitioners to organize themselves into groupsâ€ and to require each group â€œto file a single brief.â€ See Motion to Amend Schedule at 3. Alternatively, it says, the Court could â€œset a total word limit and allow petitioners to divide that total briefing among themselves.â€ Id. The petitioners have no objection to this method of proceeding. But it is not feasible for the many petitioners in this case to confer and come to an agreement in time to file opening merits briefs by the December 8 due date that OSHA has proposed. Fourth, and perhaps most importantly, OSHA should not be able to demand expedition in order to resolve an emergency of its own making. OSHA waited almost a year after vaccines became available to the public before issuing an â€œemergencyâ€ standardâ€”the â€œVaccine Mandateâ€â€”requiring American workers to either vaccinate themselves or pay for expensive, weekly testing. See COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, 61554 (Nov. 5, 2021). After the Fifth Circuit stayed enforcement of the Vaccine Mandate, BST Holdings, LLC. v. OSHA, â€“F.4th â€“, 2021 WL 5279381, at *1 (5th Cir. Nov. 12, 2021), OSHA waited a full eleven days before seeking relief from that stayâ€”though it could have gone to the Supreme Court immediately. Its motion to dissolve the Fifth Circuitâ€™s stay did not suggest any briefing schedule. Then, after moving to dissolve the stay, OSHA waited until 4:00 PM on the Wednesday before Thanksgiving to move to expedite the resolution of its motion to vacate and to propose a schedule under which merits briefing must be completed in a matter of weeks. OSHAâ€™s delay shows that the agency does not really think the Vaccine Mandate is needed to save lives; if it really believed that, it would have file in the Supreme Court within hours of the Fifth Circuitâ€™s decision. But put that aside. If there is an urgent need to ensure the Vaccine Mandate is in force by January 4, it is only because of OSHAâ€™s sloth. No one stopped OSHA from issuing the Vaccine Mandate sooner, allowing more time for judicial review. And no one stopped the Solicitor General from seeking immediate relief at the Supreme Court on OSHAâ€™s behalf. If matters are now progressing more slowly than OSHA would like, it has only itself to blame. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Smith < Brandon.Smith@ag.tn.gov<mailto:Brandon.Smith@ag.tn.gov>>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov<mailto:Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov<mailto:Barry.Dunn@ky.gov>>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov<mailto:Jonathan.Blanton@OhioAGO.gov>>; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov<mailto:Carmine.Iaccarino@ky.gov>>; White, Kimi < Kimi.White@ag.idaho.gov<mailto:Kimi.White@ag.idaho.gov>>; Travis J. Rover < travis.rover@ag.tn.gov<mailto:travis.rover@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) < Jeremy.sylvester@ky.gov<mailto:Jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) < alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Keiser, Lindsey R (KYOAG) < lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) < Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) < christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams < Michael.R.Williams@wvago.gov<mailto:Michael.R.Williams@wvago.gov>> Subject: RE: OHSA - Stay-Stage Briefing All, Happy Thanksgiving. (And go Bucks!) After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that. I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 796-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Williams < Michael.R.Williams@wvago.gov<mailto:Michael.R.Williams@wvago.gov>> Subject: RE: OHSA - Stay-Stage Briefing All, Happy Thanksgiving. (And go Bucks!) After sleeping on it, I think it would be appropriate to file a very short opposition to the absurd briefing schedule the DOJ proposed. In that response, we can say that we plan to pursue discovery and the proposed schedule doesnâ€™t allow for that. I will draft something Friday and send it around. It would be best to file Monday morning, I think. Let me know if you have any concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 796-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 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Subject: Re: OHSA - Stay-Stage Briefing

COMMON INTEREST PRIVILEGE

Hi all,

Now that we have a briefing schedule for the stay motions, I wanted to flag a few issues for potential discussion/action among our multi-state group.

1. Enforcement of the Stay. Given the briefing schedule, it is likely a safe assumption that the Fifth Circuit's stay will remain in force through at least December 10 when briefing wraps up. That period now includes the initial compliance date for businesses. The Fifth Circuit also ordered that OSHA "take no steps to implement or enforce the Mandate," and the Administration is unlikely to obtain the clarification they seek (at 51) of that before December 10. Given all of this, there is probably going to be a strong temptation for the Administration to stick a few toes over the line (or even entire limbs). It probably makes sense for us to be vigilant about what OSHA and the White House are doing, with an eye towards seeking enforcement of the stay if necessary.
2. Administrative Record. It may be useful to seek production of the administrative record on a highly expedited basis, so that we could cite to it in our December 7 opposition briefs (or in supplemental briefing by December 10). DOJ will likely howl, but I suspect there may be a lot of good material in there for showing arbitrary and capricious decision-making, and they are the ones crying "emergency." The timetable here virtually ensures sloppiness in the administrative record, particularly as OSHA would have been focused on scrubbing the formal rule. Even if we don't get the record in time for the stay briefing in the Sixth Circuit, it may be very useful for subsequent merits briefing and/or Supreme Court applications.
3. Potential Discovery. It may also make sense to seek discovery here, principally depositions. Discovery of course used to be disfavored in APA cases, pre-Census case, and putatively still is somewhat disfavored. It may also be harder to get such discovery from a circuit court. But this case does have some uniquely strong evidence of pretext and naked political calculations that bely the official reasoning, and the deponents could easily crumble in a manner that would be very helpful.

Food for thought. Please let us know if it would be helpful to discuss by phone or email further.

Have a great Thanksgiving,
Drew

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Subject: RE: OHSA - Stay-Stage Briefing

Charles, you are right about OSHAâ€™s intent to coerce people into taking the vaccine rather than submit to testing. And OSHA makes this explicit:

â€œAs mentioned above, requiring employers to pay for workplace protections makes it more likely that employees will take advantage of that protection, and in this ETS, OSHA intends to strongly encourage employees to choose vaccination, not regular COVID-19 testing. Because employees who choose to remain unvaccinated will generally be required to pay for their own COVID-19 testing, this standard creates a financial incentive for those employees to become fully vaccinated and avoid that cost.â€ See ETS at 61532.

Incidentally, OSHA also notes grudgingly that even the CDC recommends that asymptomatic people should be exempt from testing.

â€œIn contrast, the CDC recommends that fully vaccinated employees with no symptoms and no known exposure should be exempt from routine testing programs (CDC, May 4, 2021).â€ See ETS at 61529.

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Subject: RE: OHSA - Stay-Stage Briefing

To my mind, the cost of testing is one of the most insidious aspects of the ETS. Unlike every similar standard I can think of, the ETS allows employers to put the cost of testing on employees. I do not think this was an afterthought or an oversight. If it was an afterthought or oversight, then OSHA would most likely default to the standard provision placing cost on the employer. The testing alternative appears at first blush to be an escape valve, and I think OSHA does not want to disturb that first impression by drawing attention to the testing provision.

OSHA has good reason for wanting to avoid highlighting the testing alternative. Instead of an escape valve that offers a less restrictive alternative, the testing provision seems intentionally onerous and designed to coerce workers into â€œvoluntarilyâ€ vaccinating. While some states, like Louisiana, have statutes that prohibit employers from putting the cost of compliance on employees, this is not the case across the board. While the potential cost burden on employers would be substantial, most employees will simply not be able to afford the cost of testing over an extended period. Employees will cave and vaccinate rather than assume the cost of testing right before the Holidays, where money is already extremely tight for most households.

The testing â€œalternativeâ€ is the best example of a wolf in sheepâ€™s clothing that I have encountered in my career.

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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@uvago.gov<mailto:Michael.R.Williams@uvago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: RE: OHSA - Stay-Stage Briefing I am also admitted in the 6th. The rule has little to no analysis on the testing requirement because I think it was largely an afterthought. Assuming for the sake of argument that testing is a reasonable requirement in theory, in practice the volume of tests would be virtually impossible to conduct even if you could find the tests (which is impossible presently). It also would be very costly. Louisiana has a labor law that prohibits employers from imposing the costs of medical testing on an employee. (This does not directly conflict with the rule, as the rule only says OSHA isn&â€™t requiring that employers bear the cost.) Not sure other states have this rule. I have a memo on the 4th amendment implications of testing if you want it. From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 10:17 AM To: Ensign, Drew <Drew.Ensign@azag.gov<mailto:Drew.Ensign@azag.gov>>; Judd Stone <Judd.Stone@oag.texas.gov<mailto:Judd.Stone@oag.texas.gov>>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov<mailto:MurrillE@ag.louisiana.gov>>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov<mailto:Joshua.Richardson@OhioAGO.gov>> Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com<mailto:Henry.Whitaker@myfloridalegal.com>>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov<mailto:Barrett.Bowdre@alabamaag.gov>>; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov<mailto:Beau.Roysden@azag.gov>>; Daniel Bell <Daniel.Bell@myfloridalegal.com<mailto:Daniel.Bell@myfloridalegal.com>>; James Percival <James.Percival@myfloridalegal.com<mailto:James.Percival@myfloridalegal.com>>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com<mailto:Jeffrey.DeSousa@myfloridalegal.com>>; Drew Waldbeser <DWaldbeser@law.ga.gov<mailto:DWaldbeser@law.ga.gov>>; Ross Bergethon <RBergethon@law.ga.gov<mailto:RBergethon@law.ga.gov>>; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov<mailto:john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov<mailto:May.Mailman@OhioAGO.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov<mailto:ESmith@scag.gov>>; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; ThomasHydrick@scag.gov<mailto:ThomasHydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. 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Royer <travis.royer@ag.tn.gov<mailto:travis.royer@ag.tn.gov>>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov<mailto:jeremy.sylvester@ky.gov>>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov<mailto:alexander.magera@ky.gov>>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov<mailto:victor.maddox@ky.gov>>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov<mailto:lindsey.keiser@ky.gov>>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov<mailto:Brett.Nolan@ky.gov>>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov<mailto:christopher.thacker@ky.gov>>; Michael R. Williams <Michael.R.Williams@wvago.gov<mailto:Michael.R.Williams@wvago.gov>>; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: RE: OHSA - Stay-Stage Briefing CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. I would add that the citation to 29 usc 669(a)(5) borders on sanctionable. Go take a look at the way they quote it on page 16 and then look at what the statute actually says. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. 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Body	mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov> Subject: Re: OHSA - Stay-Stage Briefing That approach works for Arizona. Multiple state briefs will probably annoy the court and diminish the impact of the individual ones. (I am admitted in the Sixth, and can sign for Arizona.) On the merits, I am surprised that OSHA made the argument (at 46-48) for narrowing the stay if it is not vacated by leaving the mask-and-test requirement in place while staying the vaccination part. OSHA expressly calls that a "reasonably effective alternative." Mot.46. It is difficult to understand how that is not a concession that the mask-and-test requirement can operate sufficiently without the vaccination component, and thus the latter is not actually "necessary" to prevent a "grave danger." OSHA's backup request essentially concedes the lack of necessity. Put simply, if an aspect of the rule is severable and the remainder still suffices (in DOJ's view) under the ETS standard, that aspect was never actually "necessary" to begin with. Drew _____ From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov<mailto:Benjamin.Flowers@OhioAGO.gov>> Sent: Tuesday, November 23, 2021 6:24:57 AM To: Judd Stone; Murrill, Elizabeth; Ensign, Drew; Joshua Richardson Cc: Henry Whitaker; Bowdre, Barrett; cori.mills@alaska.gov<mailto:cori.mills@alaska.gov>; jessie.alloway@alaska.gov<mailto:jessie.alloway@alaska.gov>; ninia.dizon@alaska.gov<mailto:ninia.dizon@alaska.gov>; Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov<mailto:brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov<mailto:tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov<mailto:kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov<mailto:jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov<mailto:Brant.Laue@ag.ks.gov>; Chad.Meredith@ky.gov<mailto:Chad.Meredith@ky.gov>; Matt.Kuhn@ky.gov<mailto:Matt.Kuhn@ky.gov>; St. John, Joseph; Whitney.Lipscomb@ago.ms.gov<mailto:Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov<mailto:Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov<mailto:Justin.Matheny@ago.ms.gov>; John.sauer@ago.mo.gov<mailto:John.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov<mailto:Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov<mailto:David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov<mailto:Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov<mailto:Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov<mailto:Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov<mailto:wstenehjem@nd.gov>; masagsve@nd.gov<mailto:masagsve@nd.gov>; tseibel@nd.gov<mailto:tseibel@nd.gov>; May Mailman; mithun.mansinghani@oag.ok.gov<mailto:mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov<mailto:zach.west@oag.ok.gov>; Emory Smith; HKirkland@scag.gov<mailto:HKirkland@scag.gov>; BCook@scag.gov<mailto:BCook@scag.gov>; Thomas Hydrick@scag.gov<mailto:Thomas Hydrick@scag.gov>; steven.blair@state.sd.us<mailto:steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us<mailto:Paul.Swedlund@state.sd.us>; Sarah K. 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See; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Maddox, Victor (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Mithun Mansinghani Subject: OHSA - Stay-Stage Briefing All, As you may have seen, OSHA finally got around to moving to dissolve the stay. The Sixth Circuit will presumably issue a briefing schedule. Provided the States would like to stick together, the Sixth Circuit coalition is happy to lead the charge. Indeed, the en banc brief can be pretty quickly repurposed into an opposition to this stay request. One important point: the Sixth Circuit told us that, going forward, it will need signatures from each States or the filing State to say that it has permission to file for everyone. If you have someone admitted here, we can add the signature. If not, we'll be happy to sign the admission form for whomever would like to move. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4958 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. The information contained in this transmission may contain privileged and confidential information. 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To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	amjohnson@nd.gov

Record 1436

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Law360 Comment Request: CMS Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:20:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:21:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:21:23.000 PM

Body	We are working on a statement that I hope will be done by her deadline. [I'm at the IC meeting] Way e Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 29, 2021 1:17:17 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Law360 Comment Request: CMS Vaccine Mandate FYI... **From:** Bev Banks <beverly.banks@law360.com> **Sent:** Monday, November 29, 2021 1:05 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Law360 Comment Request: CMS Vaccine Mandate ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello, My name is Beverly Banks, and I'm a reporter with Law360. I'm working on a story about U.S. District Judge Matthew T. Schelp's order today that granted a preliminary injunction to 10 states, alleging that the Centers for Medicare and Medicaid Services' vaccine mandate could risk exacerbating a healthcare worker shortage. Would the North Dakota attorney general's office provide a comment for this story? My deadline is 2 p.m. MST/4 p.m. EST today. Thank you, Beverly -- Beverly Banks General Assignment Reporter 111 West 19th Street 5th Floor New York, NY 10011 304-650-6662 Twitter: @BevCBanks
Attachments	13255.gov

Record 1437

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Law360 Comment Request: CMS Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:20:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:21:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:21:23.000 PM

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Attachments	10592.jpg

Record 1438

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Re: Law360 Comment Request: CMS Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:45:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:45:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:45:14.000 PM

Body	Sounds good. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 29, 2021 1:38:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Law360 Comment Request: CMS Vaccine Mandate Just got the Governor's quote and should have a draft done in the next 5 minutes. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 1:21 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Law360 Comment Request: CMS Vaccine Mandate We are working on a statement that I hope will be done by her deadline. [I'm at the IC meeting] Way e Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 29, 2021 1:17:17 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Law360 Comment Request: CMS Vaccine Mandate FYI... **From:** Bev Banks <beverly.banks@law360.com> **Sent:** Monday, November 29, 2021 1:05 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Law360 Comment Request: CMS Vaccine Mandate ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello, My name is Beverly Banks, and I'm a reporter with Law360. I'm working on a story about U.S. District Judge Matthew T. Schelp's order today that granted a preliminary injunction to 10 states, alleging that the Centers for Medicare and Medicaid Services' vaccine mandate could risk exacerbating a healthcare worker shortage. Would the North Dakota attorney general's office provide a comment for this story? My deadline is 2 p.m. MST/4 p.m. EST today. Thank you, Beverly -- Beverly Banks General Assignment Reporter 111 West 19th Street 5th Floor New York, NY 10011 304-650-6662 Twitter: @BevCBanks
Attachments	13257.gov

Record 1439

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Re: Law360 Comment Request: CMS Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:45:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:45:13.000 PM
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Attachments	image001[9860].jpg

Record 1440

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, amjohnson@nd.gov
Subject	Re: Law360 Comment Request: CMS Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:49:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:50:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:50:24.000 PM

Body	Alice, Looks good. Thanks and go ahead to release it to our listserv Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 29, 2021 1:46:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Law360 Comment Request: CMS Vaccine Mandate Alice is on her way down with the draft. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 1:45 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Re: Law360 Comment Request: CMS Vaccine Mandate Sounds good. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 29, 2021 1:38:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Law360 Comment Request: CMS Vaccine Mandate Just got the Governor's quote and should have a draft done in the next 5 minutes. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 1:21 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Law360 Comment Request: CMS Vaccine Mandate We are working on a statement that I hope will be done by her deadline. [I'm at the IC meeting] Way e Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 29, 2021 1:17:17 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Law360 Comment Request: CMS Vaccine Mandate FYI... **From:** Bev Banks <beverly.banks@law360.com> **Sent:** Monday, November 29, 2021 1:05 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Law360 Comment Request: CMS Vaccine Mandate ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello, My name is Beverly Banks, and I'm a reporter with Law360. I'm working on a story about U.S. District Judge Matthew T. Schelp's order today that granted a preliminary injunction to 10 states, alleging that the Centers for Medicare and Medicaid Services' vaccine mandate could risk exacerbating a healthcare worker shortage. Would the North Dakota attorney general's office provide a comment for this story? My deadline is 2 p.m. MST/4 p.m. EST today. Thank you, Beverly -- Beverly Banks General Assignment Reporter 111 West 19th Street 5th Floor New York, NY 10011 304-650-6662 Twitter: @BevCBanks
Attachments	13259.gov

Record 1441

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, amjohnson@nd.gov
Subject	Re: Law360 Comment Request: CMS Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:49:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:50:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 1:50:24.000 PM

Body	Alice, Looks good. Thanks and go ahead to release it to our listserv Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 29, 2021 1:46:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Law360 Comment Request: CMS Vaccine Mandate Alice is on her way down with the draft. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 1:45 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Re: Law360 Comment Request: CMS Vaccine Mandate Sounds good. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 29, 2021 1:38:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Law360 Comment Request: CMS Vaccine Mandate Just got the Governor's quote and should have a draft done in the next 5 minutes. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 1:21 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Law360 Comment Request: CMS Vaccine Mandate We are working on a statement that I hope will be done by her deadline. [I'm at the IC meeting] Way e Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 29, 2021 1:17:17 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Law360 Comment Request: CMS Vaccine Mandate FYI... **From:** Bev Banks <beverly.banks@law360.com> **Sent:** Monday, November 29, 2021 1:05 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Law360 Comment Request: CMS Vaccine Mandate ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello, My name is Beverly Banks, and I'm a reporter with Law360. I'm working on a story about U.S. District Judge Matthew T. Schelp's order today that granted a preliminary injunction to 10 states, alleging that the Centers for Medicare and Medicaid Services' vaccine mandate could risk exacerbating a healthcare worker shortage. Would the North Dakota attorney general's office provide a comment for this story? My deadline is 2 p.m. MST/4 p.m. EST today. Thank you, Beverly -- Beverly Banks General Assignment Reporter 111 West 19th Street 5th Floor New York, NY 10011 304-650-6662 Twitter: @BevCBanks
Attachments	image001[9863].jpg

Record 1442

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:27:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:28:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:28:39.000 PM
Body	What is the date/time for our LAFRC Meeting? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1443

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:27:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:28:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:28:39.000 PM
Body	What is the date/time for our LAFRC Meeting? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1444

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:32:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:33:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:33:28.000 PM
Body	I believe I am doing a presentation at that time at NAAG. I want to make sure you can appear by Zoom from DC WAYNE Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 29, 2021 2:31:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: About 9:30 on December 8th. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 2:28:39 PM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** What is the date/time for our LAFRC Meeting? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1445

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:32:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:33:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 2:33:28.000 PM

Body	I believe I am doing a presentation at that time at NAAG. I want to make sure you can appear by Zoom from DC WAYNE Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Monday, November 29, 2021 2:31:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: About 9:30 on December 8th. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 2:28:39 PM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** What is the date/time for our LAFRC Meeting? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1446

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Front Door
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:20:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:20:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:20:42.000 PM
Body	Don't worry. I have my keys Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 29, 2021 2:51:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Front Door The front door will be closed but unlocked after 5 so you can get in. Alice
Attachments	13269.gov

Record 1447

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Front Door
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:20:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:20:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:20:42.000 PM

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Attachments	image001[10591].gif

Record 1448

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Front Door
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:58:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:58:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:58:30.000 PM
Body	I told Nikki not to lock me out, but I was kidding her. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 29, 2021 3:31:52 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Front Door Oh. Not what I was told but Okay! Thanks for letting me know! Have a safe trip and if you need anything, email me during work hours or text me after work hours at (701)400-6397. Alice **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, November 29, 2021 3:21 PM **To:** Johnson, Alice M. <amjohnson@nd.gov> **Subject:** Re: Front Door Don't worry. I have my keys Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Johnson, Alice M. <amjohnson@nd.gov> **Sent:** Monday, November 29, 2021 2:51:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Front Door The front door will be closed but unlocked after 5 so you can get in. Alice
Attachments	13276.gov

Record 1449

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	Re: Front Door
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:58:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:58:30.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 3:58:30.000 PM
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Attachments	image001[9880].gif

Record 1450

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 5:13:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 5:14:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 5:14:35.000 PM
Body	The only day I have an opening until Dec. 12 is this Thursday. You can coordinate with Liz. She'll be back either tomorrow or Wednesday Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 29, 2021 5:11:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Let me know when you would like to discuss division/staffing related issues.
CC	tseibel@nd.gov

Record 1451

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 5:13:05.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 5:14:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/29/2021 5:14:35.000 PM
Body	The only day I have an opening until Dec. 12 is this Thursday. You can coordinate with Liz. She'll be back either tomorrow or Wednesday Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, November 29, 2021 5:11:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Let me know when you would like to discuss division/staffing related issues.
CC	tseibel@nd.gov

Record 1452

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddnelson@nd.gov, tseibel@nd.gov
Subject	Re: Article on importance of standards/codes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 10:34:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 10:34:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 10:34:09.000 AM
Body	Thank you so much for sharing! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Nelson, Douglas D. <ddnelson@nd.gov> **Sent:** Tuesday, November 30, 2021 10:26:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Article on importance of standards/codes Hi Wayne and Troy, Nothing pressing in here, I just thought I would share a short article on the importance of standards/codes. Good and quick insight into why codes and standards are so important and part of all of our lives. Hope you enjoy. Doug Nelson -----Original Message----- From: AGOITCopy@nd.gov <AGOITCopy@nd.gov> Sent: Tuesday, November 30, 2021 10:15 AM To: Nelson, Douglas D. <ddnelson@nd.gov> Subject: ---------- TASKalfa 4003i [00:17:c8:8a:f4:98] ----------

Record 1453

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddnelson@nd.gov, tseibel@nd.gov
Subject	Re: Article on importance of standards/codes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 10:34:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 10:34:08.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 10:34:09.000 AM
Body	Thank you so much for sharing! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Nelson, Douglas D. <ddnelson@nd.gov> **Sent:** Tuesday, November 30, 2021 10:26:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Article on importance of standards/codes Hi Wayne and Troy, Nothing pressing in here, I just thought I would share a short article on the importance of standards/codes. Good and quick insight into why codes and standards are so important and part of all of our lives. Hope you enjoy. Doug Nelson -----Original Message----- From: AGOITCopy@nd.gov <AGOITCopy@nd.gov> Sent: Tuesday, November 30, 2021 10:15 AM To: Nelson, Douglas D. <ddnelson@nd.gov> Subject: ---------- TASKalfa 4003i [00:17:c8:8a:f4:98] ----------

Record 1454

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	Fwd: 2022 Strategy Reviews
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:32:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:32:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:32:56.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Morrissette, Joe <jmorrissette@nd.gov> **Sent:** Tuesday, November 30, 2021 11:26:11 AM **To:** McMerty, Sandra L. <samcmerty@nd.gov>; Tolliver, Denver <denver.tolliver@ndsu.edu>; Lardy, Greg <gregory.lardy@ndsu.edu>; Jirik, Mark <mark.jirik@ndsu.edu>; Otteson, Brian <brian.otteson@ndsu.edu>; Baesler, Kirsten K. <kbaesler@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Brostrom, Darren W. <dbrostro@nd.gov>; Burgum, Doug <doug@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Davis, Nathan <nathan.davis@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>; Dohrmann, Alan S. <adohrmann@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Finck, Travis <tfinck@nd.gov>; Fine, Karlene K. <kfine@nd.gov>; Flohr, David A. <dflohr@nd.gov>; Gallion, Joshua C. <jcgallion@nd.gov>; Gardner, Ryan J. <rjgardner@nd.gov>; Glatt, Dave D. <dglatt@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Hagerott, Mark <mark.hagerott@ndus.edu>; Halvorson, John L. <jhalvorson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Henke, Ron J. <rhenke@nd.gov>; Hoffman, Greg A. <gahoffman@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Jaeger, Al A. <ajaeger@nd.gov>; Johnson, Mark B. <mjohn@nd.gov>; Jones, Chris D. <cdjones@nd.gov>; Kahl, Steven M. <smkahl@nd.gov>; Klipfel, Bryan R. <bklipfel@nd.gov>; Konikow, Kim <kkonikow@nd.gov>; Korslien, Renae <renae@ndstatefair.com>; Krabbenhoft, David L. <dkrabben@nd.gov>; Kroshus, Brian <bkroshus@nd.gov>; Kruse, I. Lise <lkruse@nd.gov>; Larsen, Teresa A. <tlarsen@nd.gov>; Leiman, James K. <jleiman@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>; Miller, Tammy J. <tjmiller@nd.gov>; Morrissette, Joe <jmorrissette@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>; Olson, Paul H. <polson@nd.gov>; Otte Coleman, Sara <socoleman@nd.gov>; Panos, William T. <bpanos@nd.gov>; Peterson, Bill <billpeterson@nd.gov>; Rauschenberger, Ryan A. <rarauschenberger@nd.gov>; Riley, Shawn E. <sriley@nd.gov>; Schulz, Cody J. <cjschulz@nd.gov>; Schulz, Jack K. <jschulz@nd.gov>; Sick, Wayde <wasick@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Solberg, Col. Brandon J. <bjsolberg@nd.gov>; Soucie, Mary J. <msoucie@nd.gov>; Steinwand, Todd J. <tsteinwand@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Taylor, Vance <vtaylor@ndmill.com>; Thiele, David L. <dthiele@nd.gov>; Thunder, Erica G. <ethunder@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Tyler, Karen J. <ktyler@nd.gov>; Wangen, Lonnie L. <lwangen@nd.gov>; Wanner, Kyle C. <kcwanner@nd.gov>; Wehbi, Nizar MD <nwehbi@nd.gov>; Wilke, Dirk D. <ddwilke@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Zietz, Veronica <vzietz@nd.gov> **Cc:** Bloms, Renae R. <rrbloms@nd.gov>; Deichert, Becky J. <bdeichert@nd.gov>; Gullickson, Stephanie M. <Smgullickson@nd.gov>; Johnson, Stephanie A. <steajohnson@nd.gov>; Martin, Larry J. <lajmartin@nd.gov>; Sondag, Lori D. <lsondag@nd.gov>; -Grp-OMB Fiscal Officer Contacts <ombfoc@nd.gov>; Morkassel, Starla <starla.morkassel@ndsu.edu>; Ruhland, David <david.ruhland@ndsu.edu> **Subject:** 2022 Strategy Reviews Agency Leaders, I am excited to announce the start of a new budget cycle for the 2023-25 biennium. We will once again begin with a discussion of your agency strategy. The budget is a tool to help you achieve your strategic goals, so our budget process begins with a focus on your strategic vision. As we seek to continually improve the strategy review process, we have provided a variety of new resources to assist you: • Strategic Planning Framework – Step-by-step, practical guide to developing a comprehensive strategic plan. • Strategic Planning Template – Template to organize your strategic plan as you build it. • Action Plan Template – Template to translate your strategic plan into actionable steps. • Strategy Review One-page Template – Fillable template to create a one-page info sheet about your agency to be used for the strategy review, legislative presentations, recruiting, public information, etc. Note that the first "hidden" page contains instructions. • **2022 Strategy Review PowerPoint Template – Updated, simplified strategy review template to guide your preparation for the 2022 strategy review.** All of the above resources are available on Team ND Connect for your reference. You will be receiving a strategy review invite from Lori Sondag with a meeting time between late February and the end of March 2022. The meeting invite will go to your agency leader and chief fiscal contact. Please forward to others within your agency you would like to include. **Please send to Lori Sondag:** • Your agency's Strategy Review One-page Template, **by January 14, 2022** ***AND*** • An electronic version of your agency's 2022 Strategy Review PowerPoint Template, **no later than the day prior to your scheduled meeting** Feel free to reach out to me, Molly Herrington, or your budget analyst if you have any questions or need assistance in the strategic planning process or your preparation for the strategy review. Thank you for your thoughtful work as you prepare for our strategic review and discussion. We look forward to meeting with you. Joe Joe Morrissette, CPA *Director* 701.328.4606 • jmorrissette@nd.gov • www.omb.nd.gov
Attachments	13329.gov, 13330.gov, 13328.gov, 13331.gov

Record 1455

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	Fwd: 2022 Strategy Reviews
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:32:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:32:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:32:56.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Morrissette, Joe <jmorrissette@nd.gov> **Sent:** Tuesday, November 30, 2021 11:26:11 AM **To:** McMerty, Sandra L. <samcmerty@nd.gov>; Tolliver, Denver <denver.tolliver@ndsu.edu>; Lardy, Greg <gregory.lardy@ndsu.edu>; Jirik, Mark <mark.jirik@ndsu.edu>; Otteson, Brian <brian.otteson@ndsu.edu>; Baesler, Kirsten K. <kbaesler@nd.gov>; Beadle, Thomas R. <tbeadle@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Brostrom, Darren W. <dbrostro@nd.gov>; Burgum, Doug <doug@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Davis, Nathan <nathan.davis@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>; Dohrmann, Alan S. <adohrmann@nd.gov>; Fedorchak, Julie L. <jfedorchak@nd.gov>; Finck, Travis <tfinck@nd.gov>; Fine, Karlene K. <kfine@nd.gov>; Flohr, David A. <dflohr@nd.gov>; Gallion, Joshua C. <jcgallion@nd.gov>; Gardner, Ryan J. <rjgardner@nd.gov>; Glatt, Dave D. <dglatt@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Goehring, Doug C. <goehring@nd.gov>; Hagerott, Mark <mark.hagerott@ndus.edu>; Halvorson, John L. <jhalvorson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Henke, Ron J. <rhenke@nd.gov>; Hoffman, Greg A. <gahoffman@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Jaeger, Al A. <ajaeger@nd.gov>; Johnson, Mark B. <mjohn@nd.gov>; Jones, Chris D. <cdjones@nd.gov>; Kahl, Steven M. <smkahl@nd.gov>; Klipfel, Bryan R. <bklipfel@nd.gov>; Konikow, Kim <kkonikow@nd.gov>; Korslien, Renae <renae@ndstatefair.com>; Krabbenhoft, David L. <dkrabben@nd.gov>; Kroshus, Brian <bkroshus@nd.gov>; Kruse, I. Lise <lkruse@nd.gov>; Larsen, Teresa A. <tlarsen@nd.gov>; Leiman, James K. <jleiman@nd.gov>; Miller, Scott A. <scottmiller@nd.gov>; Miller, Tammy J. <tjmiller@nd.gov>; Morrissette, Joe <jmorrissette@nd.gov>; Murtha, Janilyn <janilynmurtha@nd.gov>; Olson, Paul H. <polson@nd.gov>; Otte Coleman, Sara <socoleman@nd.gov>; Panos, William T. <bpanos@nd.gov>; Peterson, Bill <billpeterson@nd.gov>; Rauschenberger, Ryan A. <rarauschenberger@nd.gov>; Riley, Shawn E. <sriley@nd.gov>; Schulz, Cody J. <cjschulz@nd.gov>; Schulz, Jack K. <jschulz@nd.gov>; Sick, Wayde <wasick@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Solberg, Col. Brandon J. <bjsolberg@nd.gov>; Soucie, Mary J. <msoucie@nd.gov>; Steinwand, Todd J. <tsteinwand@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Taylor, Vance <vtaylor@ndmill.com>; Thiele, David L. <dthiele@nd.gov>; Thunder, Erica G. <ethunder@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Tyler, Karen J. <ktyler@nd.gov>; Wangen, Lonnie L. <lwangen@nd.gov>; Wanner, Kyle C. <kcwanner@nd.gov>; Wehbi, Nizar MD <nwehbi@nd.gov>; Wilke, Dirk D. <ddwilke@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Zietz, Veronica <vzietz@nd.gov> **Cc:** Bloms, Renae R. <rrbloms@nd.gov>; Deichert, Becky J. <bdeichert@nd.gov>; Gullickson, Stephanie M. <Smgullickson@nd.gov>; Johnson, Stephanie A. <steajohnson@nd.gov>; Martin, Larry J. <lajmartin@nd.gov>; Sondag, Lori D. <lsondag@nd.gov>; -Grp-OMB Fiscal Officer Contacts <ombfoc@nd.gov>; Morkassel, Starla <starla.morkassel@ndsu.edu>; Ruhland, David <david.ruhland@ndsu.edu> **Subject:** 2022 Strategy Reviews Agency Leaders, I am excited to announce the start of a new budget cycle for the 2023-25 biennium. 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Attachments	image001[9933].png, image002[9934].png, image003[9932].png, image004[9935].png

Record 1456

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:33:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:33:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:33:54.000 AM
Body	Anything going on I need to be aware of so far today? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1457

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:33:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:33:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:33:54.000 AM
Body	Anything going on I need to be aware of so far today? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1458

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: Bedding Fair IS Going On Right Now through Tomorrow
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:44:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:44:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:44:15.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Helm, Kerrie L. <khelm@nd.gov> **Sent:** Tuesday, November 30, 2021 11:06:26 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** FW: Bedding Fair IS Going On Right Now through Tomorrow *Kerrie* **From:** -Info-Management & Budget <omb@nd.gov> **Sent:** Tuesday, November 30, 2021 11:05 AM **To:** -Info-All Agencies <info@nd.gov> **Cc:** Kjos, Sara J. <skjos@nd.gov>; Dillman, Mary J. <mjdillman@nd.gov>; caitlin.magilke <caitlin.magilke@bismarckstate.edu>; Harrison, Larissa D. <lharrison@nd.gov>; Helm, Kerrie L. <khelm@nd.gov>; Huber, Lynne M. <lhuber@nd.gov>; Kriege, Rachel F. <rkriege@nd.gov>; Eisenbeis, LaDawn R. <lreisenbeis@nd.gov>; Kopp, Missy <mikopp@nd.gov>; Miller, Miranda D. <midmiller@nd.gov>; Rosenkranz, Rebecca J. <rrosenkr@nd.gov>; Bosch, Robin L. <robosch@nd.gov>; Schneider, Betty L. <schneider@nd.gov>; Glasser, Laura E. <leglasser@nd.gov>; Schwab, Jill L. <jilschwab@nd.gov>; Senger, Denise M. <dsenger@nd.gov>; Fetterman, Kelsey M. <kfetterman@nd.gov>; Hopkins, Danelle <dhopkins@nd.gov>; Pringle, Erin <epringle@nd.gov>; Duchscherer, Alice <aduchscherer@nd.gov>; Gisinger, Jennifer A. <jagisinger@nd.gov>; Scherr, Tanya L. <tanyalscherr@nd.gov>; Schauer, Desray <dlschauer@nd.gov>; LaBree, Heidi M. <hmlabree@nd.gov>; Hogue, Trudi L. <tlhogue@nd.gov> **Subject:** Bedding Fair IS Going On Right Now through Tomorrow Please share with all your employees Renee Nelson Bismarck – Mandan Council of State Employees
Attachments	16062.pdf, 13343.gov, 13344.gov

Record 1459

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov

Recipients	bethbakke@aol.com
Subject	Fwd: Bedding Fair IS Going On Right Now through Tomorrow
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:44:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:44:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 11:44:15.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Helm, Kerrie L. <khelm@nd.gov> **Sent:** Tuesday, November 30, 2021 11:06:26 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** FW: Bedding Fair IS Going On Right Now through Tomorrow *Kerrie* **From:** -Info-Management & Budget <omb@nd.gov> **Sent:** Tuesday, November 30, 2021 11:05 AM **To:** -Info-All Agencies <info@nd.gov> **Cc:** Kjos, Sara J. <skjos@nd.gov>; Dillman, Mary J. <mjdillman@nd.gov>; caitlin.magilke <caitlin.magilke@bismarckstate.edu>; Harrison, Larissa D. <lharrison@nd.gov>; Helm, Kerrie L. <khelm@nd.gov>; Huber, Lynne M. <lhuber@nd.gov>; Kriege, Rachel F. <rkriege@nd.gov>; Eisenbeis, LaDawn R. <lreisenbeis@nd.gov>; Kopp, Missy <mikopp@nd.gov>; Miller, Miranda D. <midmiller@nd.gov>; Rosenkranz, Rebecca J. <rrosenkr@nd.gov>; Bosch, Robin L. <robosch@nd.gov>; Schneider, Betty L. <schneider@nd.gov>; Glasser, Laura E. <leglasser@nd.gov>; Schwab, Jill L. <jilschwab@nd.gov>; Senger, Denise M. <dsenger@nd.gov>; Fetterman, Kelsey M. <kfetterman@nd.gov>; Hopkins, Danelle <dhopkins@nd.gov>; Pringle, Erin <epringle@nd.gov>; Duchscherer, Alice <aduchscherer@nd.gov>; Gisinger, Jennifer A. <jagisinger@nd.gov>; Scherr, Tanya L. <tanyalscherr@nd.gov>; Schauer, Desray <dlschauer@nd.gov>; LaBree, Heidi M. <hmlabree@nd.gov>; Hogue, Trudi L. <tlhogue@nd.gov> **Subject:** Bedding Fair IS Going On Right Now through Tomorrow Please share with all your employees Renee Nelson Bismarck – Mandan Council of State Employees
Attachments	12713.pdf, image001[9948].png, image002[9949].png

Record 1460

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Fwd: Moderator Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 1:20:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 1:21:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 1:21:24.000 PM

Body	Is this something different/or in addition to what we agreed to? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Chris Toth <ctoth@naag.org> **Sent:** Tuesday, November 30, 2021 12:47:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Ryan Greenstein <rgreenstein@naag.org> **Subject:** Moderator Invitation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General, Next week during the Capital Forum, we'd like to ask you to co-moderate a fireside chat with AG Miller on AG Ellison's prosecution during the George Floyd case. AG Ellison will be attending virtually and we envision you and AG Miller leading a discussion with him. We are glad to have questions prepared for you if you'd like. Below are the details of the fireside chat. Please give me a call if you have any questions about the panel you'd like to discuss. **Session Time:** December 7th at 1:15-1:45 ET **Title:** Fireside Chat with Attorney General Keith Ellison Following Initial Prosecution of the Death of George Floyd **Description:** Whether due to legislative mandates, conflicts of interest, or public pressure, more attorneys general are being tasked with providing guidance or overseeing police use of force and officer-involved shooting cases. These cases often are high-profile matters that create unique opportunities and challenges for attorneys general. Most notably in 2020, the death of George Floyd at the hands of police officers in Minneapolis garnered an enormous domestic and international response and sparked a dialogue about police use of force and afforded legal protections, race, and community expectations. Join attorneys general during this fireside chat conversing with Attorney General Keith Ellison as he shares his experience leading this prosecution and the critical role that attorneys general may play when these incidents arise. V/r, Chris **Chris Toth** **Executive Director** National Association of Attorneys General 1850 M Street, NW, 12th Floor Washington, DC 20036 202.326.6021 office ctoth@naag.org www.naag.org
Attachments	13348.gov, 13349.gov, 13350.gov

Record 1461

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Fwd: Moderator Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 1:20:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 1:21:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 1:21:24.000 PM

Body	Is this something different/or in addition to what we agreed to? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Chris Toth <ctoth@naag.org> **Sent:** Tuesday, November 30, 2021 12:47:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov>; Ryan Greenstein <rgreenstein@naag.org> **Subject:** Moderator Invitation ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General, Next week during the Capital Forum, we'd like to ask you to co-moderate a fireside chat with AG Miller on AG Ellison's prosecution during the George Floyd case. AG Ellison will be attending virtually and we envision you and AG Miller leading a discussion with him. We are glad to have questions prepared for you if you'd like. Below are the details of the fireside chat. Please give me a call if you have any questions about the panel you'd like to discuss. **Session Time:** December 7th at 1:15-1:45 ET **Title:** Fireside Chat with Attorney General Keith Ellison Following Initial Prosecution of the Death of George Floyd **Description:** Whether due to legislative mandates, conflicts of interest, or public pressure, more attorneys general are being tasked with providing guidance or overseeing police use of force and officer-involved shooting cases. These cases often are high-profile matters that create unique opportunities and challenges for attorneys general. Most notably in 2020, the death of George Floyd at the hands of police officers in Minneapolis garnered an enormous domestic and international response and sparked a dialogue about police use of force and afforded legal protections, race, and community expectations. Join attorneys general during this fireside chat conversing with Attorney General Keith Ellison as he shares his experience leading this prosecution and the critical role that attorneys general may play when these incidents arise. V/r, Chris **Chris Toth** **Executive Director** National Association of Attorneys General 1850 M Street, NW, 12th Floor Washington, DC 20036 202.326.6021 office ctoth@naag.org www.naag.org
Attachments	image001[9953].png, image002[9954].png, image003[9955].png

Record 1462

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kkrebsbach@nd.gov
Subject	Re: Reply Now.....
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:42:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:43:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:43:41.000 PM

Body	Thanks, Karen. Please greet Clara Sue, also. Best Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Krebsbach, Karen K. <kkrebsbach@nd.gov> **Sent:** Tuesday, November 30, 2021 2:10:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Reply Now..... Clara Sue requested forwarding to your office. Karen **From:** cprice@srt.com <cprice@srt.com> **Sent:** Tuesday, November 30, 2021 1:33 PM **To:** Krebsbach, Karen K. **Subject:** Fw: RE: Reply Now..... ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Karen, Maybe you should forward this to Wayne. Latest scam Clara Sue On Sat, 27 Nov, 2021 at 8:22 PM, Jerome H. Powell <kokolettricia@gmail.com> wrote: To: Attention Your Palliative Payment, The Federal Reserve Bank write to notify you that after series of meetings with the United Nations and World-Bank including the World Health Organization we the Federal Reserve Bank have been appointed to pay you and your family Covid-19 Palliative Funds of $550,000 which we will open an account on your name with our Bank to allow you access your Funds worth $550,000 Thousand United State Dollars and to enable you transfer to any account of your choice or any Bank. Before we will proceed with this payment kindly forward your full details as below. Full Name: House Address: Zip Code: Your Direct Phone Number: Your Occupation: Date Of Birth: Any kind of ID: International Passport Or ID Card: Jerome H. Powell Remittance Department .

Record 1463

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kkrebsbach@nd.gov
Subject	Re: Reply Now.....
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:42:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:43:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:43:41.000 PM

Body	Thanks, Karen. Please greet Clara Sue, also. Best Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Krebsbach, Karen K. <kkrebsbach@nd.gov> **Sent:** Tuesday, November 30, 2021 2:10:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Reply Now..... Clara Sue requested forwarding to your office. Karen **From:** cprice@srt.com <cprice@srt.com> **Sent:** Tuesday, November 30, 2021 1:33 PM **To:** Krebsbach, Karen K. **Subject:** Fw: RE: Reply Now..... ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Karen, Maybe you should forward this to Wayne. Latest scam Clara Sue On Sat, 27 Nov, 2021 at 8:22 PM, Jerome H. Powell <kokolettricia@gmail.com> wrote: To: Attention Your Palliative Payment, The Federal Reserve Bank write to notify you that after series of meetings with the United Nations and World-Bank including the World Health Organization we the Federal Reserve Bank have been appointed to pay you and your family Covid-19 Palliative Funds of $550,000 which we will open an account on your name with our Bank to allow you access your Funds worth $550,000 Thousand United State Dollars and to enable you transfer to any account of your choice or any Bank. Before we will proceed with this payment kindly forward your full details as below. Full Name: House Address: Zip Code: Your Direct Phone Number: Your Occupation: Date Of Birth: Any kind of ID: International Passport Or ID Card: Jerome H. Powell Remittance Department .

Record 1464

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	btveit@nd.gov
Subject	Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:44:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:45:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:45:25.000 PM

Body	Yes, I did read the article. Thanks for sending it on to me. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Tuesday, November 30, 2021 1:57:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Wayne, did you get a chance to review this link? This is what I tried to send you just before thanksgiving. _____ please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33 **From:** Tveit, Bill **Sent:** Thursday, November 25, 2021 9:16:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators https://www.theblaze.com/op-ed/horowitz-why-every-red-state-has-an-obligation-to-fight-hospitals-killing-patients-on-ventilators Wayne, This is the article I tried to send yesterday Happy thanksgiving, Bill

Record 1465

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	btveit@nd.gov
Subject	Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:44:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:45:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:45:25.000 PM

Body	Yes, I did read the article. Thanks for sending it on to me. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Tuesday, November 30, 2021 1:57:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Wayne, did you get a chance to review this link? This is what I tried to send you just before thanksgiving. _____ please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33 **From:** Tveit, Bill **Sent:** Thursday, November 25, 2021 9:16:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators https://www.theblaze.com/op-ed/horowitz-why-every-red-state-has-an-obligation-to-fight-hospitals-killing-patients-on-ventilators Wayne, This is the article I tried to send yesterday Happy thanksgiving, Bill

Record 1466

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, mkelsch@nd.gov
Subject	Fwd: Energy Transfer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:50:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:50:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:50:51.000 PM

Body	Well? Waayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Tuesday, November 30, 2021 2:49:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Energy Transfer ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Wayne, Is it possible for you to talk about the Energy Transfer, Tigerswan document case with me? Thanks, James 223-8557 The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Record 1467

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, mkelsch@nd.gov
Subject	Fwd: Energy Transfer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:50:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:50:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:50:51.000 PM
Body	Well? Waayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Tuesday, November 30, 2021 2:49:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Energy Transfer ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Wayne, Is it possible for you to talk about the Energy Transfer, Tigerswan document case with me? Thanks, James 223-8557 The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Record 1468

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov

Recipients	tseibel@nd.gov
Subject	Fwd: Horowitz: Why every red state has an obligation to fight hospitals killing patients o n ventilators
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:51:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:52:36.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:52:37.000 PM
Body	What is there now in 1514 that we could do anything about? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Tuesday, November 30, 2021 3:46:57 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Any thoughts on my comments or questions? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:45:25 PM **To:** Tveit, Bill <btveit@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Yes, I did read the article. Thanks for sending it on to me. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Tuesday, November 30, 2021 1:57:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Wayne, did you get a chance to review this link? This is what I tried to send you just before thanksgiving. --- please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33 **From:** Tveit, Bill **Sent:** Thursday, November 25, 2021 9:16:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators https://www.theblaze.com/op-ed/horowitz-why-every-red-state-has-an-obligation-to-fight-hospitals-killing-patients-on-ventilators Wayne, This is the article I tried to send yesterday Happy thanksgiving, Bill

Record 1469

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Fwd: Horowitz: Why every red state has an obligation to fight hospitals killing patients o n ventilators
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:51:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:52:36.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:52:37.000 PM
Body	What is there now in 1514 that we could do anything about? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Tuesday, November 30, 2021 3:46:57 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Any thoughts on my comments or questions? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:45:25 PM **To:** Tveit, Bill <btveit@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Yes, I did read the article. Thanks for sending it on to me. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tveit, Bill <btveit@nd.gov> **Sent:** Tuesday, November 30, 2021 1:57:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators Wayne, did you get a chance to review this link? This is what I tried to send you just before thanksgiving. please read the attached article, paying closer attention to the final paragraph. It is my understanding that even though we passed HB 1514 during the special session, a physician in Jamestown, ND was dismissed. Carved out of 1514, much to my dismay, was the requirement for hospitals to administer Off-label FDA approved drugs to treat COVID when a patient or family member requested the right-to-try. I would appreciate any help you can lend to this dire situation. Representative Bill Tveit, District 33 **From:** Tveit, Bill **Sent:** Thursday, November 25, 2021 9:16:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Horowitz: Why every red state has an obligation to fight hospitals killing patients on ventilators https://www.theblaze.com/op-ed/horowitz-why-every-red-state-has-an-obligation-to-fight-hospitals-killing-patients-on-ventilators Wayne, This is the article I tried to send yesterday Happy thanksgiving, Bill

Record 1470

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov, mkelsch@nd.gov
Subject	Re: Energy Transfer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:55:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:55:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:55:39.000 PM

Body	I wonder why James is interested in this now? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 30, 2021 3:53:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** RE: Energy Transfer Courtney is the lead attorney on the case...and I believe we are waiting for a decision from the court – Judge Feland. So, maybe not the best timing unless Courtney has a different opinion...and I would suspect that the Judge is sensitive to comments made by parties to the media. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:51 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Fwd: Energy Transfer Well? Waayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Tuesday, November 30, 2021 2:49:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Energy Transfer ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Wayne, Is it possible for you to talk about the Energy Transfer, Tigerswan document case with me? Thanks, James 223-8557 The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.
CC	ctitus@nd.gov

Record 1471

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov, mkelsch@nd.gov
Subject	Re: Energy Transfer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:55:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:55:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:55:39.000 PM

Body	I wonder why James is interested in this now? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 30, 2021 3:53:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** RE: Energy Transfer Courtney is the lead attorney on the case...and I believe we are waiting for a decision from the court – Judge Feland. So, maybe not the best timing unless Courtney has a different opinion...and I would suspect that the Judge is sensitive to comments made by parties to the media. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:51 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Fwd: Energy Transfer Well? Waayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Tuesday, November 30, 2021 2:49:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Energy Transfer ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Wayne, Is it possible for you to talk about the Energy Transfer, Tigerswan document case with me? Thanks, James 223-8557 The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.
CC	ctitus@nd.gov

Record 1472

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Tigerswan
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:57:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:58:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:58:57.000 PM
Body	James, as you know, this is on-going litigation. We are awaiting a decision from the court, so we will follow our policy of not commenting for now. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1473

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jmacpherson@ap.org
Subject	Tigerswan

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:57:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:58:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:58:57.000 PM
Body	James, as you know, this is on-going litigation. We are awaiting a decision from the court, so we will follow our policy of not commenting for now. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1474

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov, mkelsch@nd.gov
Subject	Re: Energy Transfer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:59:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:59:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:59:59.000 PM

Body	Il told James that this is ongoing litigation and that we are not going to comment for now. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 30, 2021 3:56:10 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** RE: Energy Transfer I wonder the same... **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:56 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** Re: Energy Transfer I wonder why James is interested in this now? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 30, 2021 3:53:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** RE: Energy Transfer Courtney is the lead attorney on the case...and I believe we are waiting for a decision from the court – Judge Feland. So, maybe not the best timing unless Courtney has a different opinion...and I would suspect that the Judge is sensitive to comments made by parties to the media. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:51 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Fwd: Energy Transfer Well? Waayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Tuesday, November 30, 2021 2:49:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Energy Transfer ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Wayne, Is it possible for you to talk about the Energy Transfer, Tigerswan document case with me? Thanks, James 223-8557 The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.
CC	ctitus@nd.gov

Record 1475

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov, mkelsch@nd.gov
Subject	Re: Energy Transfer
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:59:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:59:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 3:59:59.000 PM

Body	Il told James that this is ongoing litigation and that we are not going to comment for now. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 30, 2021 3:56:10 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** RE: Energy Transfer I wonder the same... **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:56 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** Re: Energy Transfer I wonder why James is interested in this now? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, November 30, 2021 3:53:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** RE: Energy Transfer Courtney is the lead attorney on the case...and I believe we are waiting for a decision from the court – Judge Feland. So, maybe not the best timing unless Courtney has a different opinion...and I would suspect that the Judge is sensitive to comments made by parties to the media. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:51 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Fwd: Energy Transfer Well? Waayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Tuesday, November 30, 2021 2:49:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Energy Transfer ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Wayne, Is it possible for you to talk about the Energy Transfer, Tigerswan document case with me? Thanks, James 223-8557 The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.
CC	ctitus@nd.gov

Record 1476

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Fwd: Tigerswan
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 4:22:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 4:22:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	11/30/2021 4:22:59.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** MacPherson, James <jmacpherson@ap.org> **Sent:** Tuesday, November 30, 2021 4:17:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Tigerswan ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Thought so. Thanks. Had to ask. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, November 30, 2021 3:59 PM **To:** MacPherson, James <jmacpherson@ap.org> **Subject:** Tigerswan [EXTERNAL] James, as you know, this is on-going litigation. We are awaiting a decision from the court, so we will follow our policy of not commenting for now. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

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Record 1478

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, ealm@nd.gov, tseibel@nd.gov
Subject	FW: UND School of Medicie and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 7:57:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 7:57:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 7:57:00.000 AM

Body

FYI
Wayne

From: Nelson, Jon O. <jonelson@nd.gov>
Sent: Tuesday, November 30, 2021 8:47 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: UND School of Medicine and Health Sciences proposal

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Tuesday, November 30, 2021 3:02:28 PM
To: Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
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701 476 7825

tmathern@nd.gov

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Sent: Tuesday, November 30, 2021 8:25 AM
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Record 1479

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, ealm@nd.gov, tseibel@nd.gov
Subject	FW: UND School of Medicie and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 7:57:01.000 AM
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Body

FYI
Wayne

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Sent: Tuesday, November 30, 2021 8:47 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: UND School of Medicine and Health Sciences proposal

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Sent: Tuesday, November 30, 2021 3:02:28 PM
To: Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
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To: Curtis Olafson <colafson@polarcomm.com>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
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Record 1480

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jonelson@nd.gov
Subject	RE: UND School of Medicine and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 7:58:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 7:58:51.000 AM
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Wayne

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To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: UND School of Medicine and Health Sciences proposal

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Sent: Tuesday, November 30, 2021 3:02:28 PM
To: Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
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CC	pgrossman@nd.gov, tseibel@nd.gov

Record 1481

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jonelson@nd.gov
Subject	RE: UND School of Medicine and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 7:58:51.000 AM
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Sent: Tuesday, November 30, 2021 8:47 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: UND School of Medicine and Health Sciences proposal

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Tuesday, November 30, 2021 3:02:28 PM
To: Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: RE: UND School of Medicine and Health Sciences proposal

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Subject: Re: UND School of Medicine and Health Sciences proposal

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701 476 7825

tmathern@nd.gov

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Body	presentations before county commissions, city commissions and councils, the North Dakota Association of Counties, the North Dakota League of Cities and Attorney General Wayne Stenejhem. We were very successful in our effort to demonstrate to North Dakota counties and cities the wisdom in pursuing their own cases. The law firms represent North Dakota clients on a contingency basis at a recovery percentage that is quite modest. Twenty-six North Dakota counties and three cities signed on as litigants with our group. The consortium I represented included the following firms: Fears Nachawati, Ferrer Poirot Wansbrough, and Motley Rice. These are all large, nationally recognized and highly-respected law firms. When considering whether I should help this group in North Dakota, I was agreeable to do so after being given strict assurances that the litigation they would be pursuing would not target medical providers or hospitals and would instead be focused on opioid manufacturers, distributors, and large national chain pharmacies. They have stayed true to their word with me. They also assured me that they would be focusing on recovering financial damages that had been incurred by their clients as a direct result of the opioid crisis. Further, they have been unwavering in their focus on recovering resources to provide abatement of the problem and ongoing treatment for our citizens suffering from opioid addiction and abuse. Given your position on the Advisory Council and your work in the Legislature, you certainly know that North Dakota was not immune to losing many lives-and great suffering for others-from opioid abuse. In one small low population North Dakota county where I testified before the county commission, the sheriff also testified and said the county had four relatively recent overdose deaths. Throughout the entire process, Attorney General Stenehjem has advised North Dakota political subdivisions that they should not file their own cases and should leave the litigation entirely in the hands of the State. That advice from the AG's office is continuing to this day with outreach communications coming from his office, asking current litigants to opt into the settlements and allow the State to control the proceeds. Our attorneys are advising against that action at this time. There has already been an idea adopted in the State of Mississippi that deserves study and consideration here in North Dakota as a sensible compromise for the disbursement of funds that will result from the settlements. In that Mississippi model, the University of Mississippi Medical Center's Center for Addiction Medicine will receive an allocation of 70% of the settlement funds and dedicate that funding to providing opioid addiction abatement and treatment programs. Whether it is here in North Dakota or in Mississippi, smaller rural counties typically do not have the resources on their own to launch such efforts. The UND SMHS appears to already have in place an extensive outreach program throughout the state as detailed here: https://med.und.edu/service/index.html With the considerable resources that would become available under such an agreement, those entities might be the ideal avenue to help North Dakota citizens in need. I have attached the Mississippi agreement and a draft of a modified agreement tailored for North Dakota for consideration by North Dakota officials, including yourselves. I would respectfully request that a presentation by our attorneys be scheduled at the next meeting of your Advisory Council to provide information on this proposal and to answer questions that you may have. I look forward to your reply. Curtis Olafson Olafson Consulting LLC Public Policy and Political Consulting North Dakota State Senate (2006-2012) Olafson Farm and Ranch, (Est. 1883) 13041 84th St NE Edinburg, ND 58227 701-265-2356 Cell https://www.olafsonconsulting.com/ colafson@polarcomm.com The information contained in this message is confidential, protected from disclosure and may be legally privileged. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, distribution, copying, or any action taken or action omitted in reliance on it, is strictly prohibited and may be unlawful. Forwarding this message to other recipients is permitted only if approved by the original author. If you have received this communication in error, please notify us immediately by replying to this message and destroy the material in its entirety, whether in electronic or hard copy format.
CC	pgrossman@nd.gov, tseibel@nd.gov

Record 1482

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	Re: State v. Colleen Rowe, Barnes County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:42:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:42:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:42:44.000 AM

Body	Well done everyone. This is what makes your division so important! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Wednesday, December 1, 2021 8:06:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Leingang, Breanna M. <brmleingang@nd.gov>; Holzer, Kayla <kaholzer@nd.gov> **Subject:** State v. Colleen Rowe, Barnes County Good Morning: I'm happy to report that MFCU has finalized another cases. Yesterday Colleen Rowe an LPN plead guilty to a class A Misdemeanor Reckless Endangerment. She was not the employee who caused the injuries to the victim but she knew that the victim had a broken leg and did not treat it or the extreme pain the patient was in. Rowe also failed to contact a doctor for further orders and failed to report the incident to other staff. This left the injury undetected through a shift change. The Board of Nursing also took action against Rowe. A '*shout out*' to Bre and Kayla for their great work on this case. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
CC	brmleingang@nd.gov, kaholzer@nd.gov

Record 1483

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	Re: State v. Colleen Rowe, Barnes County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:42:06.000 AM
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CC	brmleingang@nd.gov, kaholzer@nd.gov

Record 1484

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, tseibel@nd.gov
Subject	FW: UND School of Medicine and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 10:36:35.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 10:36:37.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 10:36:00.000 AM

Body

We should follow the next meeting of this Advisory Council, and make sure we have someone in attendance when this issue comes up.
I believe this is a public entity, and therefore it would be a public meeting.
Wayne

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Sent: Tuesday, November 30, 2021 3:02:28 PM
To: Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
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Record 1485

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, tseibel@nd.gov
Subject	FW: UND School of Medicine and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 10:36:35.000 AM
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Record 1486

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 11:23:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 11:23:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 11:23:35.000 AM

Body

§44-04-19.1

Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Wednesday, December 1, 2021 11:13:15 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Wednesday, December 1, 2021 10:08 AM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>
Subject: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

Jane and Ian -

§44-04-19.1

Thank you

Paul M. Seby
Tel 303.572.6584

From: ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov>
Sent: Tuesday, November 23, 2021 1:51 PM
To: CourtMail@ndd.uscourts.gov

Subject: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Motion for Leave to File

EXTERNAL TO GT

Body	§44-04-19.1 [redacted] If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1487

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 11:23:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 11:23:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 11:23:35.000 AM

Body

§44-04-19.1

Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Wednesday, December 1, 2021 11:13:15 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Wednesday, December 1, 2021 10:08 AM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>
Subject: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

Jane and Ian -

§44-04-19.1

Thank you

Paul M. Seby
Tel 303.572.6584

From: ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov>
Sent: Tuesday, November 23, 2021 1:51 PM
To: CourtMail@ndd.uscourts.gov

Subject: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Motion for Leave to File

EXTERNAL TO GT

Body	§44-04-19.1 [redacted] If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1488

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 1:49:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 1:49:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 1:49:48.000 PM
Body	Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1489

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov

Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 1:49:10.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 1:49:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 1:49:48.000 PM
Body	Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1490

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:01:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:01:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:01:48.000 PM
Body	Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1491

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:01:17.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:01:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:01:48.000 PM

Body	Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1492

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:40:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:41:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:41:39.000 PM
Body	We are now on our way back to Bismarck. Not likely before close of business today. How was Jamaica? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:05:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Wonderful! Now – rest up □□ Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1493

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:40:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:41:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:41:39.000 PM
Body	We are now on our way back to Bismarck. Not likely before close of business today. How was Jamaica? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:05:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Wonderful! Now – rest up □□ Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1494

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:49:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:06.000 PM

Body	Wonderful! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:43:35 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Jamaica was fantastic. Glorious weather, no rain. 17 dives in 11 days - I got some incredible photos from the dives, and I completed the specialties and other requirements to get Master Diver status. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:42 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: We are now on our way back to Bismarck. Not likely before close of business today. How was Jamaica? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:05:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Wonderful! Now – rest up □□ Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1495

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:49:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:06.000 PM

Body	Wonderful! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:43:35 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Jamaica was fantastic. Glorious weather, no rain. 17 dives in 11 days - I got some incredible photos from the dives, and I completed the specialties and other requirements to get Master Diver status. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:42 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: We are now on our way back to Bismarck. Not likely before close of business today. How was Jamaica? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:05:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Wonderful! Now – rest up □□ Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1496

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:38.000 PM

Body	Anything ēlse going on? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:50:06 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Wonderful! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:43:35 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Jamaica was fantastic. Glorious weather, no rain. 17 dives in 11 days - I got some incredible photos from the dives, and I completed the specialties and other requirements to get Master Diver status. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:42 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: We are now on our way back to Bismarck. Not likely before close of business today. How was Jamaica? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:05:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Wonderful! Now – rest up □□ Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1497

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:08.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 2:50:38.000 PM

Body	Anything ēlse going on? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:50:06 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Wonderful! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:43:35 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Jamaica was fantastic. Glorious weather, no rain. 17 dives in 11 days - I got some incredible photos from the dives, and I completed the specialties and other requirements to get Master Diver status. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:42 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: We are now on our way back to Bismarck. Not likely before close of business today. How was Jamaica? W Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 2:05:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Wonderful! Now – rest up □□ Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 2:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Ok. The two surgeries went well Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 1, 2021 1:52:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Yes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 1, 2021 1:50 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Are you back in the office? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1498

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	Re: Dec. Case Status Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 4:20:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 4:20:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 4:20:47.000 PM

Body	Always love your reports! Thanks. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Wednesday, December 1, 2021 2:12:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Dec. Case Status Report Wayne, Please see attached. A hard copy was dropped off in your office. *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Brasen, Kaela <kbrasen@nd.gov> **Sent:** Wednesday, December 1, 2021 1:24 PM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** Dec. Case Status Report Here is the adobe version of the status report. Please let me know if you have any changes. I also added bookmarks for the different sections for easier access. Thank you, Kaela Brasen Legal Secretary Office of Attorney General 600 E. Boulevard Ave. Dept 125 Bismarck, ND 58505

Record 1499

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	Re: Dec. Case Status Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 4:20:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 4:20:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 4:20:47.000 PM

Body	Always love your reports! Thanks. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Wednesday, December 1, 2021 2:12:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Dec. Case Status Report Wayne, Please see attached. A hard copy was dropped off in your office. *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Brasen, Kaela <kbrasen@nd.gov> **Sent:** Wednesday, December 1, 2021 1:24 PM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** Dec. Case Status Report Here is the adobe version of the status report. Please let me know if you have any changes. I also added bookmarks for the different sections for easier access. Thank you, Kaela Brasen Legal Secretary Office of Attorney General 600 E. Boulevard Ave. Dept 125 Bismarck, ND 58505

Record 1500

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, lbrocker@nd.gov
Subject	Re: Final ND Comment Letter and Redline of Corps Nov Draft DAPL EIS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:13:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:14:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:14:08.000 PM
Body	This looks very good. Thanks. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Wednesday, December 1, 2021 4:24:33 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Final ND Comment Letter and Redline of Corps Nov Draft DAPL EIS ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Attached is a complete final package for Matt's signature and submittal to the Corps today Paul M. Seby Tel 303.572.6584 --- If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1501

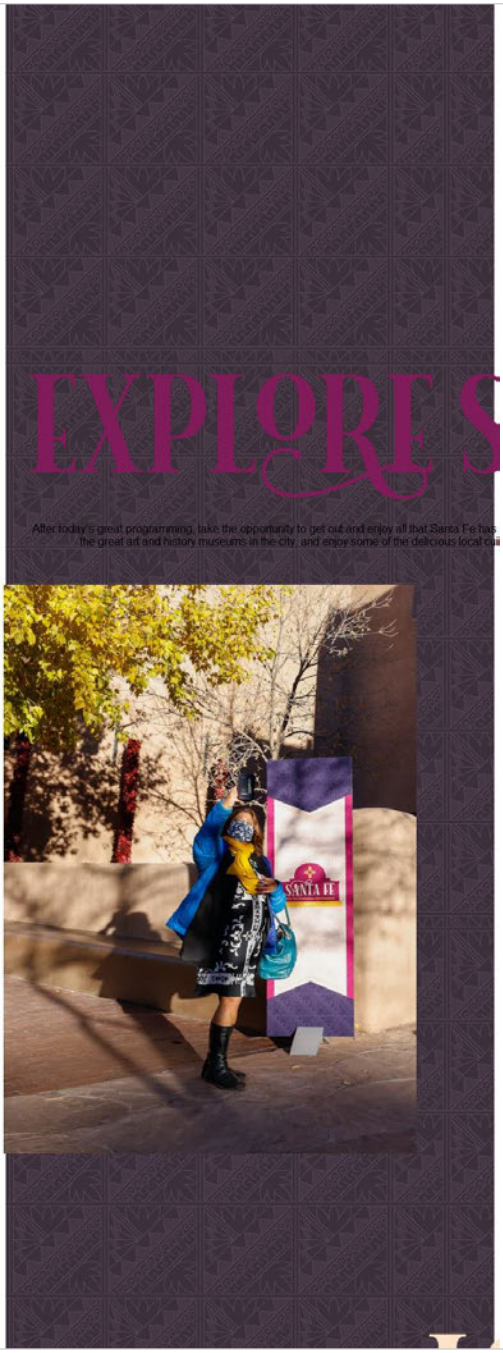
Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, lbrocker@nd.gov
Subject	Re: Final ND Comment Letter and Redline of Corps Nov Draft DAPL EIS
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:13:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:14:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/1/2021 8:14:08.000 PM
Body	This looks very good. Thanks. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Wednesday, December 1, 2021 4:24:33 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Final ND Comment Letter and Redline of Corps Nov Draft DAPL EIS ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Attached is a complete final package for Matt's signature and submittal to the Corps today Paul M. Seby Tel 303.572.6584 --- If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1502

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Welcome to Day 2! See what CSG has planned for you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 9:04:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 9:04:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 9:04:00.000 AM

Body	SANTA 2021 CSG NATIONAL C DEC. 1–4 THE Current CSG THE COUNCIL OF STATE

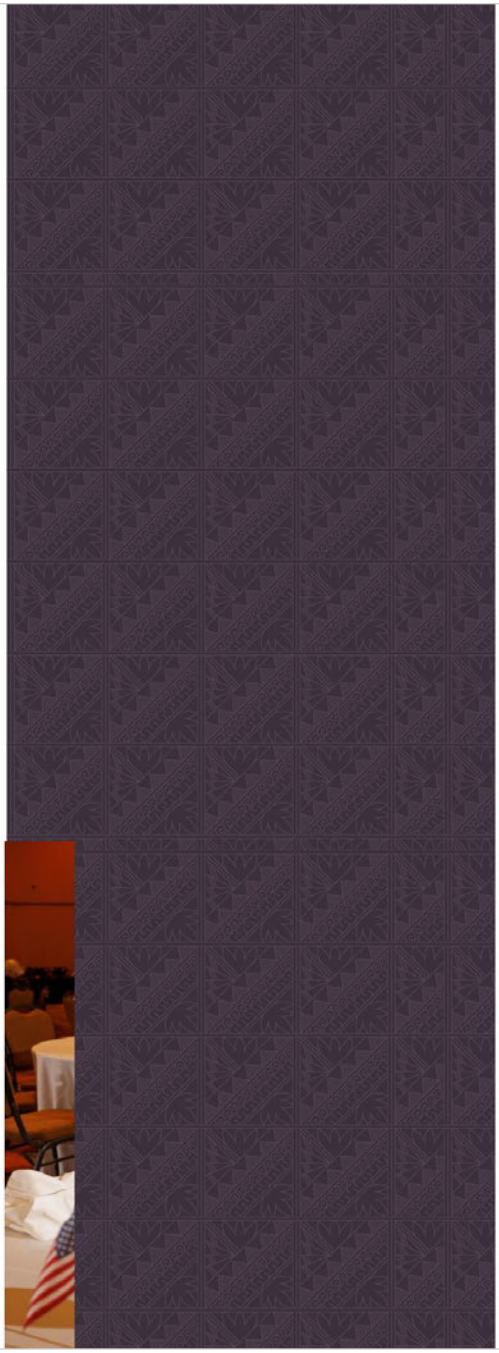
Body

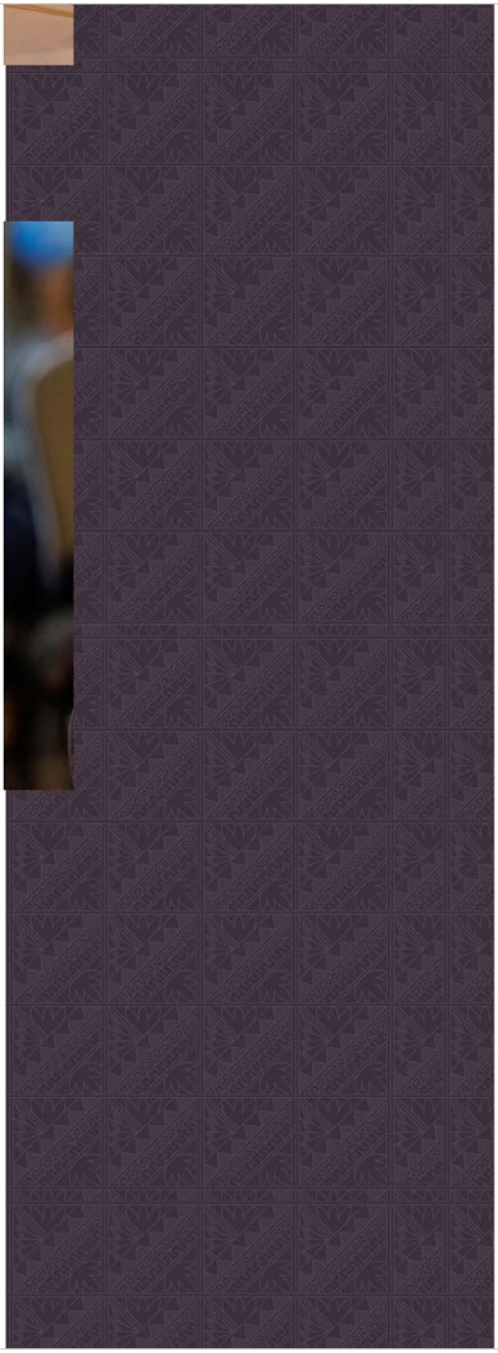

EXPLORE S
After today's great programming, take the opportunity to get out and enjoy all that Santa Fe has
the great art and history museums in the city, and enjoy some of the delicious local cui
SANTA FE

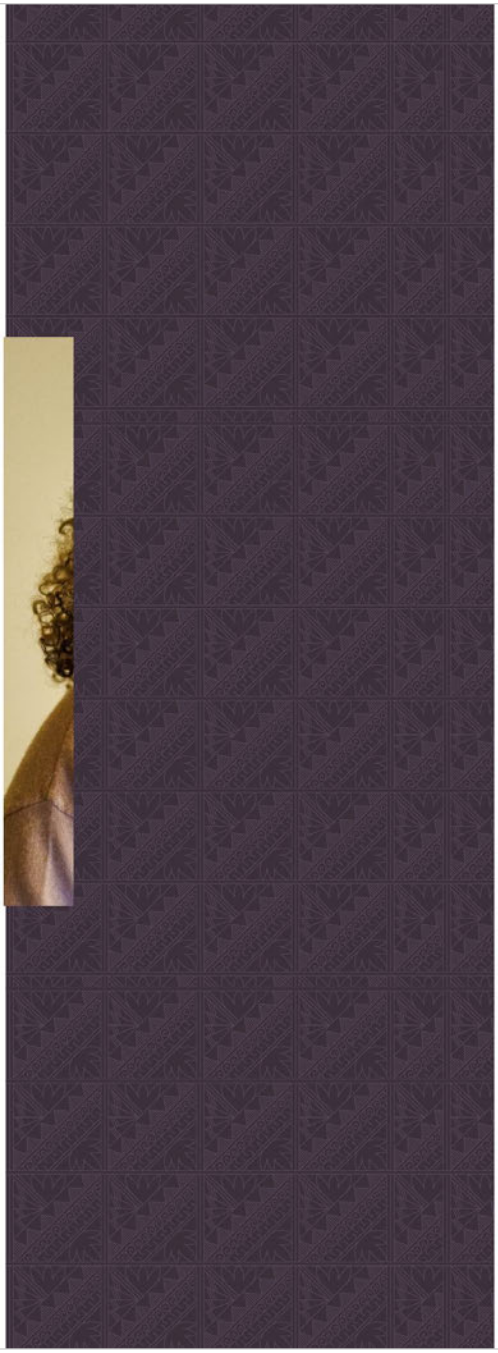
Body

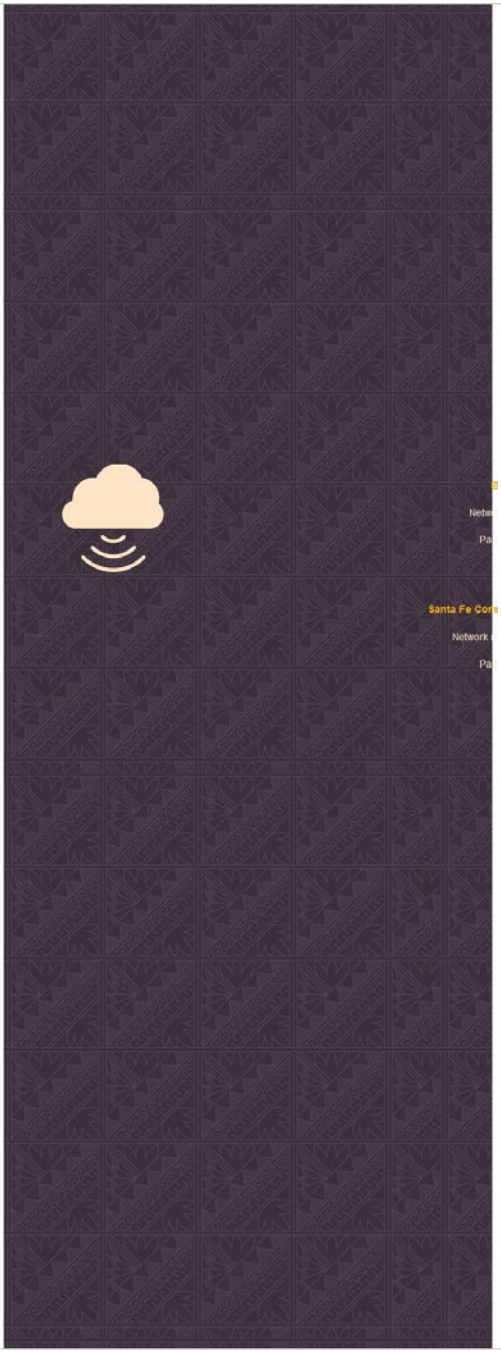
SHARE YOUI
We're so excited to see you in person in Santa Fe. Don't forget to share your phot
the 2021 CSG National Conference app, you can share photos and comments

Body	

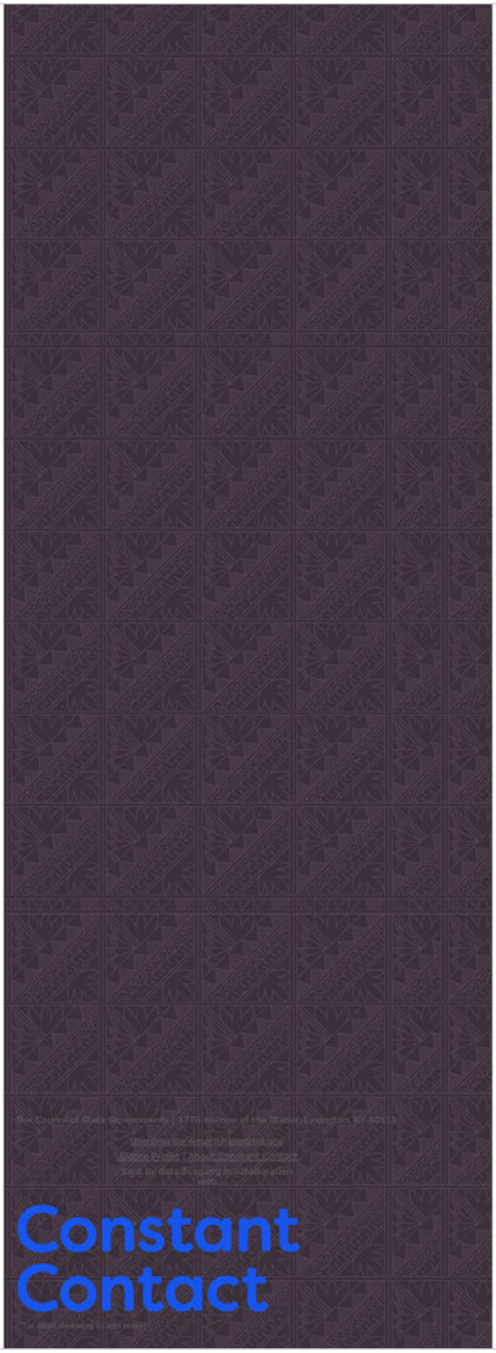
Body	

Body	

Body	

Body	

Body	

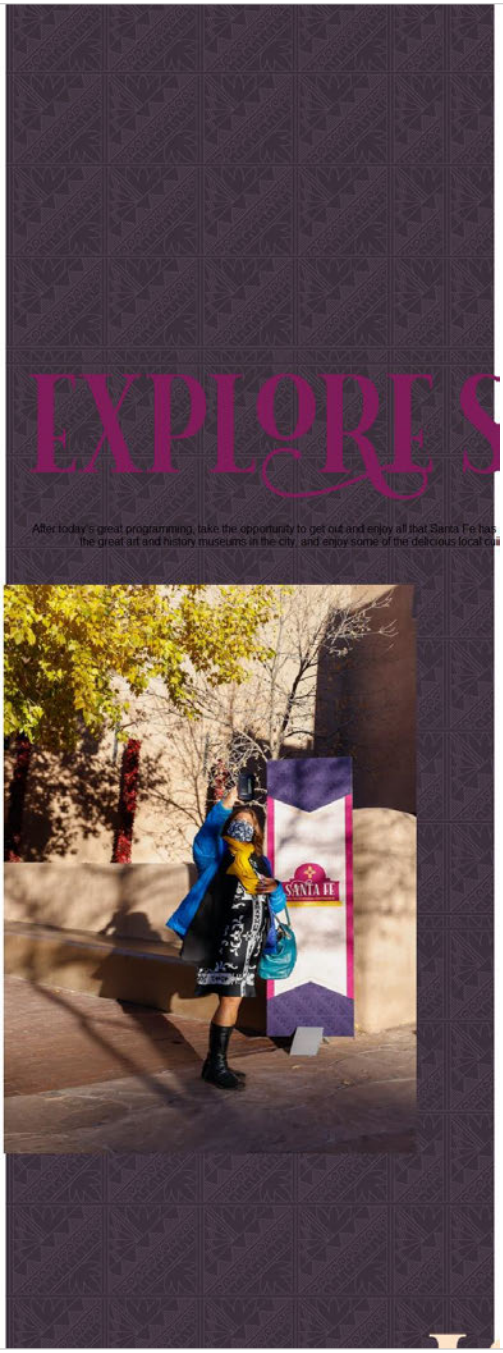
Body	

Record 1503

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Welcome to Day 2! See what CSG has planned for you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 9:04:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 9:04:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 9:04:00.000 AM

Body	SANTA 2021 CSG NATIONAL C DEC. 1–4 THE Current CSG THE COUNCIL OF STATE

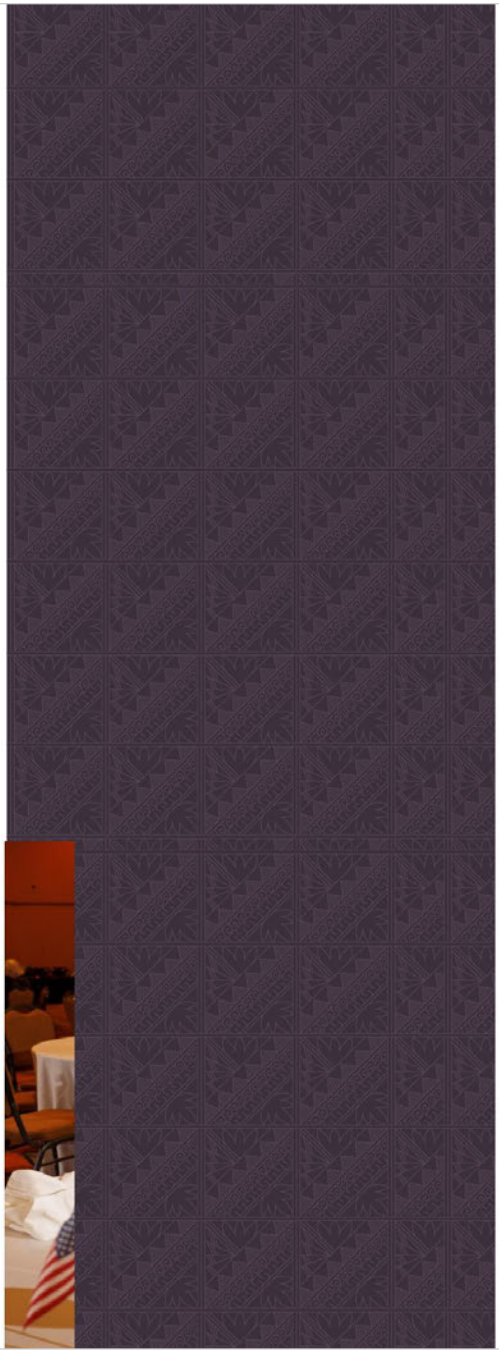
Body

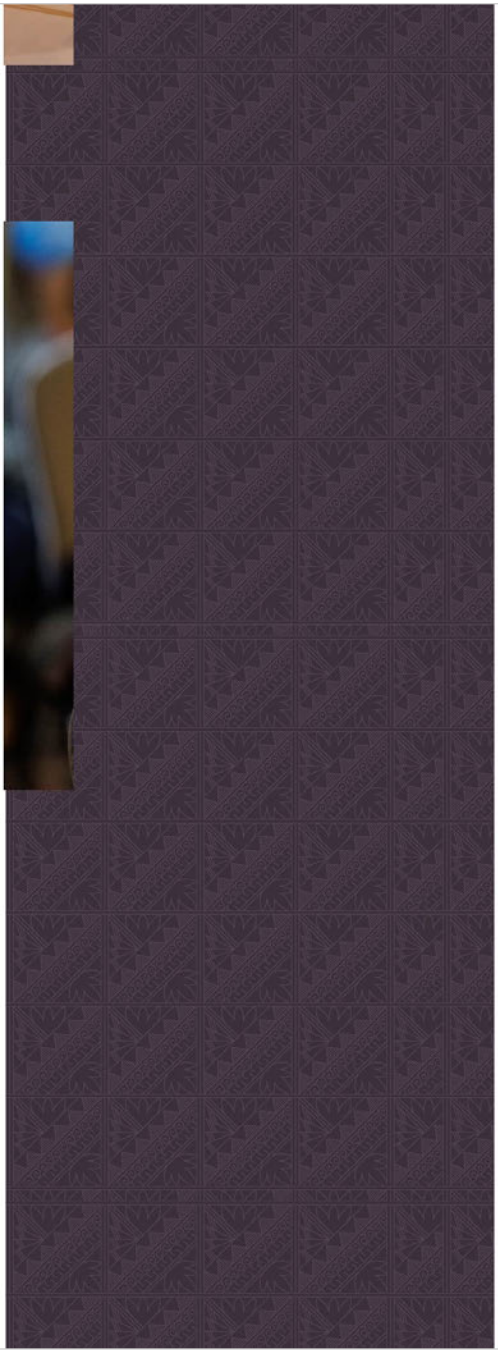

EXPLORE S
After today's great programming, take the opportunity to get out and enjoy all that Santa Fe has
the great art and history museums in the city, and enjoy some of the delicious local cui
SANTA FE

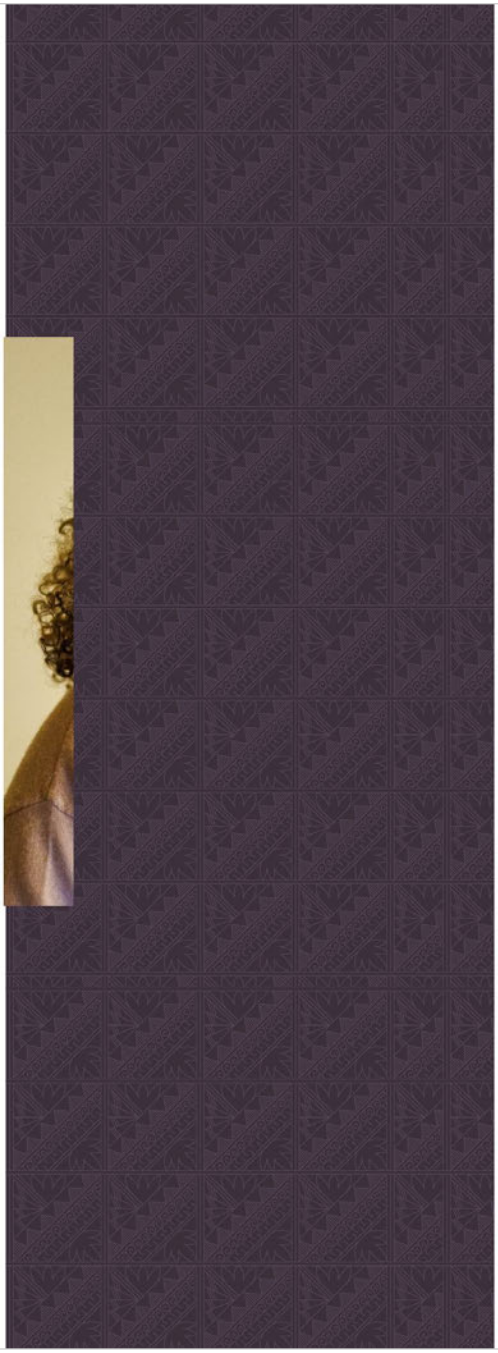
Body

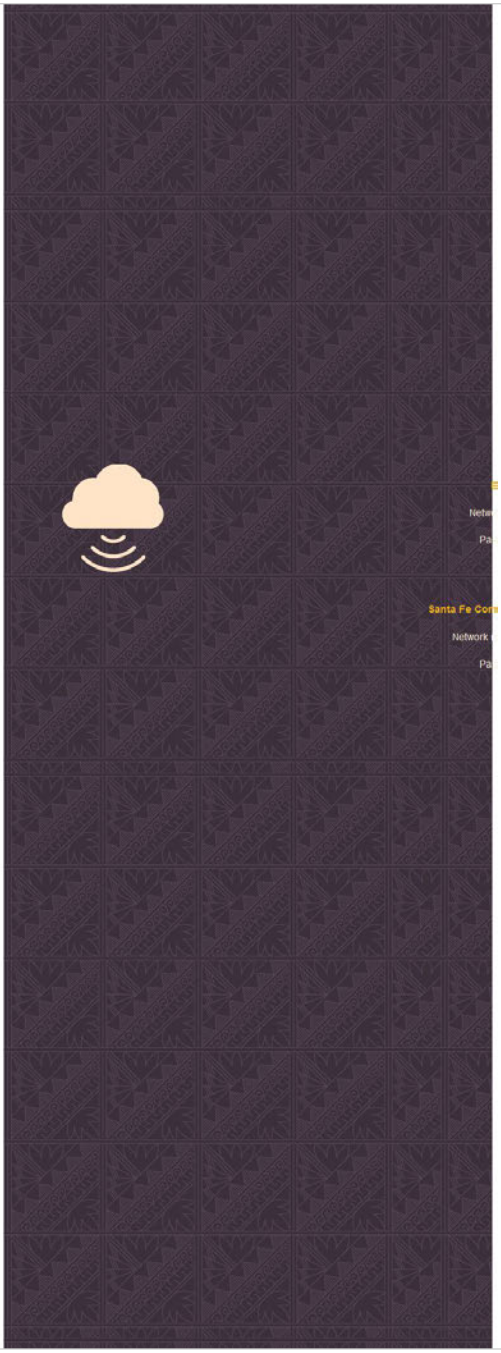
SHARE YOUI
We're so excited to see you in person in Santa Fe. Don't forget to share your phot
the 2021 CSG National Conference app, you can share photos and comments

Body

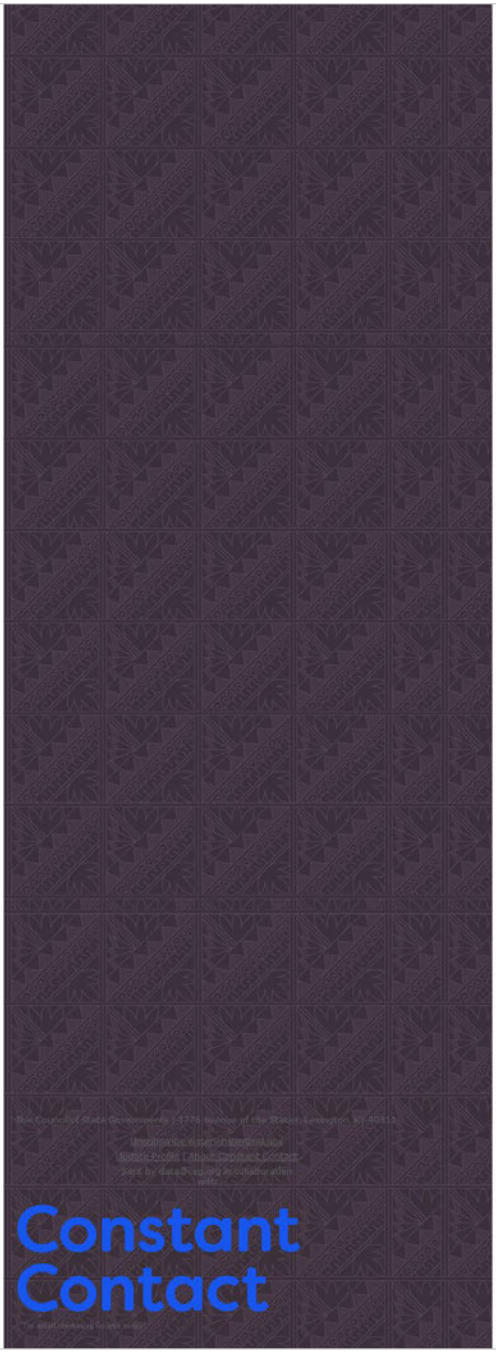
Body	

Body	

Body	

Body	

Body	

Body	

Record 1504

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 11:53:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 11:53:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 11:53:00.000 AM

Body	As you know, I have never been a fan of this idea. It would have to be an outstanding applicant indeed to convince me otherwise. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, December 2, 2021 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Eisenbeis, Ashley <aeisenbeis@nd.gov>; Nicolai, James E. <jnicolai@nd.gov> **Subject:** Wayne, Our Division currently has three open fte's (1 Natural Resources/2 Civil Litigation) that I am trying to fill. Is there any chance we can open the two civil litigation positions up to applicants outside of Bismarck, as long as the applicant lives in North Dakota and demonstrates an ability to work remotely or in a satellite office (maybe a BCI office in Dickinson, Minot, Fargo, or Grand Forks)? Matt
CC	aeisenbeis@nd.gov

Record 1505

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 11:53:28.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 11:53:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 11:53:00.000 AM
Body	As you know, I have never been a fan of this idea. It would have to be an outstanding applicant indeed to convince me otherwise. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, December 2, 2021 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Eisenbeis, Ashley <aeisenbeis@nd.gov>; Nicolai, James E. <jnicolai@nd.gov> **Subject:** Wayne, Our Division currently has three open fte's (1 Natural Resources/2 Civil Litigation) that I am trying to fill. Is there any chance we can open the two civil litigation positions up to applicants outside of Bismarck, as long as the applicant lives in North Dakota and demonstrates an ability to work remotely or in a satellite office (maybe a BCI office in Dickinson, Minot, Fargo, or Grand Forks)? Matt
CC	aeisenbeis@nd.gov

Record 1506

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	RE: Message from "CSO-P1009895"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 1:13:00.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 1:13:00.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 1:12:00.000 PM

Body	This is a very nice recognition. Thanks for sending it on! Wayne **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Thursday, December 2, 2021 12:38 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: Message from "CSO-P1009895" Wayne and Troy, Please find attached a complimentary letter from Cass County Sheriff Jesse Jahner regarding SS/A Arnie Rummel and S/A Dan Heidbreder. Jesse is very kind in his continued thanks of BCI support. Thank you, Lonnie Get Outlook for iOS **From:** Jahner, Jesse <JahnerJ@casscountynd.gov> **Sent:** Thursday, December 2, 2021 11:30:17 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov> **Cc:** Rummel, Arnie <arummel@nd.gov> **Subject:** FW: Message from "CSO-P1009895" ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Director Grabowska Please see the attachment above. Thanks for your agency's partnership with us. -----Original Message----- From: No Reply <adfs_bk@casscounty.onmicrosoft.com> Sent: Thursday, December 2, 2021 12:48 PM To: Jahner, Jesse <JahnerJ@casscountynd.gov> Subject: Message from "CSO-P1009895" This E-mail was sent from "CSO-P1009895" (MP 2352). Scan Date: 12.02.2021 12:47:42 (-0600) Queries to: no-reply@casscountynd.gov

Record 1507

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	RE: Message from "CSO-P1009895"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 1:13:00.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 1:13:00.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 1:12:00.000 PM

Body	This is a very nice recognition. Thanks for sending it on! Wayne **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Thursday, December 2, 2021 12:38 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: Message from "CSO-P1009895" Wayne and Troy, Please find attached a complimentary letter from Cass County Sheriff Jesse Jahner regarding SS/A Arnie Rummel and S/A Dan Heidbreder. Jesse is very kind in his continued thanks of BCI support. Thank you, Lonnie Get Outlook for iOS **From:** Jahner, Jesse <JahnerJ@casscountynd.gov> **Sent:** Thursday, December 2, 2021 11:30:17 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov> **Cc:** Rummel, Arnie <arummel@nd.gov> **Subject:** FW: Message from "CSO-P1009895" ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Director Grabowska Please see the attachment above. Thanks for your agency's partnership with us. -----Original Message----- From: No Reply <adfs_bk@casscounty.onmicrosoft.com> Sent: Thursday, December 2, 2021 12:48 PM To: Jahner, Jesse <JahnerJ@casscountynd.gov> Subject: Message from "CSO-P1009895" This E-mail was sent from "CSO-P1009895" (MP 2352). Scan Date: 12.02.2021 12:47:42 (-0600) Queries to: no-reply@casscountynd.gov

Record 1508

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Olafson response 12022021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:25:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:25:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:25:00.000 PM

Body	**From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, December 2, 2021 12:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Alm, Elin S. <ealm@nd.gov> **Subject:** Olafson response 12022021 Attached for your consideration is a draft of a response to Olafson's e-mail and misinformation. It is lengthy and you can change or use the parts or information to suit your purposes. However, one of the reasons it is so lengthy is due to the confusion outside counsel is creating. This same response could essentially be used for other legislators or persons who inquire, etc. It is fairly time consuming for us to continue to respond to individual inquiries and we want a template for our responses to political subdivisions, or other inquiries how the monies will be used, etc. We can use this one as a template. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. will be used. We can use this template going forward, simply with changes that delete references to Olafson.
Attachments	16061.docx

Record 1509

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Olafson response 12022021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:25:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:25:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:25:00.000 PM

Body	**From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, December 2, 2021 12:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Alm, Elin S. <ealm@nd.gov> **Subject:** Olafson response 12022021 Attached for your consideration is a draft of a response to Olafson's e-mail and misinformation. It is lengthy and you can change or use the parts or information to suit your purposes. However, one of the reasons it is so lengthy is due to the confusion outside counsel is creating. This same response could essentially be used for other legislators or persons who inquire, etc. It is fairly time consuming for us to continue to respond to individual inquiries and we want a template for our responses to political subdivisions, or other inquiries how the monies will be used, etc. We can use this one as a template. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. will be used. We can use this template going forward, simply with changes that delete references to Olafson.
Attachments	12712.docx

Record 1510

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: UND School of Medicine and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:26:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:26:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:26:00.000 PM

Body

From: Nelson, Jon O. <jonelson@nd.gov>
Sent: Wednesday, December 1, 2021 2:34 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: UND School of Medicine and Health Sciences proposal

---

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Wednesday, December 1, 2021 2:12:50 PM
To: Nelson, Jon O. <jonelson@nd.gov>; Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: RE: UND School of Medicine and Health Sciences proposal

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Good morning Jon et al,

To clarify our request, our group would like to be put on the agenda for one of our attorneys to do a presentation at the next meeting of the Advisory Council. We are hoping that will be relatively soon as there are deadlines looming for decisions relating to the opioid settlement policies.

The purpose of the presentation would be to provide the most current information on the litigation settlements and to present for discussion and consideration the possibility of UND SMHS taking on a role similar to what has been adopted in Mississippi, wherein the University of Mississippi Medical Center will receive settlement funds and implement opioid abatement and treatment programs throughout the state.

Also, to further clarify, if the UND SMHS would be agreeable to a similar role as has been adopted in Mississippi, the SMHS would not be "taking a position" or be a "part of any litigation."

The attached MOU edited and tailored for North Dakota details in Section B, subsection 1(c) the funds that would be allocated to the SMHS and the role that it would play in the abatement and treatment efforts. This plan would be aimed at helping cities and counties in North Dakota establish an effort to help them deal with ongoing opioid abuse and addiction.

Please do not hesitate to reach out to me if you have any additional questions or would like further clarification.

Regards,

Curtis Olafson
Olafson Consulting LLC
Public Policy and Political Consulting
North Dakota State Senate (2006-2012)
Olafson Farm and Ranch, (Est. 1883)
13041 84th St NE
Edinburg, ND 58227
701-265-2356 Cell
https://www.olafsonconsulting.com/
colafson@polarcomm.com

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From: Nelson, Jon O. <jonelson@nd.gov>
Sent: Wednesday, December 1, 2021 8:22 AM
To: Curtis Olafson <colafson@polarcomm.com>; Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com; 'Matthew Vinson' <

Body

MVinson@lawyerworks.com>
Subject: Re: UND School of Medicine and Health Sciences proposal

Curt: thank you for reaching out to the NDSMHS Advisory Committee with your request to be added to the agenda of a subsequent Advisory Committee meeting. Although it would be interesting to hear the reasoning and progress your group has experienced, I am a little confused as to our role in taking a position or being part of any litigation in this regard.
Is this strictly informational or do you have other expectations of the Advisory Committee? I believe that question needs to be clarified prior to any further conversation.
Thanks Curt and I hope to hear back from you soon.

Jon

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Tuesday, November 30, 2021 3:02:28 PM
To: Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: RE: UND School of Medicine and Health Sciences proposal

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Senator Mathern,

Thank you for your response and for your outreach to Dean Wynne. I look forward to further discussions with you and your colleagues.

After having had the privilege of serving with you in the Senate for 6 years, it comes as no surprise to me that you are interested in this proposal. You always have the best interests of the people in your heart, especially people who need help.

Curtis Olafson

From: Mathern, Tim <tmathern@nd.gov>
Sent: Tuesday, November 30, 2021 2:51 PM
To: Curtis Olafson <colafson@polarcomm.com>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: Matthew McCarley <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: Re: UND School of Medicine and Health Sciences proposal

Thank you for the note. Yes the opioid crisis has been in North Dakota too!

I am bringing this to the attention of Dean Wynne by way of this response.

Senator Tim Mathern

701 476 7825

tmathern@nd.gov

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Tuesday, November 30, 2021 8:25 AM
To: Erbele, Robert S. <rerbele@nd.gov>; Mathern, Tim <tmathern@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>
Cc: Matthew McCarley <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: UND School of Medicine and Health Sciences proposal

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Dear friends,

I am writing today regarding your position of service on the University of North Dakota School of Medicine and Health Sciences Advisory Council.

You may be aware that I spent the better part of two years working with a consortium of three large national law firms assisting them with opioid litigation outreach here in North Dakota. My role in the process was to arrange

Body	presentations before county commissions, city commissions and councils, the North Dakota Association of Counties, the North Dakota League of Cities and Attorney General Wayne Stenejhem. We were very successful in our effort to demonstrate to North Dakota counties and cities the wisdom in pursuing their own cases. The law firms represent North Dakota clients on a contingency basis at a recovery percentage that is quite modest. Twenty-six North Dakota counties and three cities signed on as litigants with our group. The consortium I represented included the following firms: Fears Nachawati, Ferrer Poirot Wansbrough, and Motley Rice. These are all large, nationally recognized and highly-respected law firms. When considering whether I should help this group in North Dakota, I was agreeable to do so after being given strict assurances that the litigation they would be pursuing would not target medical providers or hospitals and would instead be focused on opioid manufacturers, distributors, and large national chain pharmacies. They have stayed true to their word with me. They also assured me that they would be focusing on recovering financial damages that had been incurred by their clients as a direct result of the opioid crisis. Further, they have been unwavering in their focus on recovering resources to provide abatement of the problem and ongoing treatment for our citizens suffering from opioid addiction and abuse. Given your position on the Advisory Council and your work in the Legislature, you certainly know that North Dakota was not immune to losing many lives-and great suffering for others-from opioid abuse. In one small low population North Dakota county where I testified before the county commission, the sheriff also testified and said the county had four relatively recent overdose deaths. Throughout the entire process, Attorney General Stenehjem has advised North Dakota political subdivisions that they should not file their own cases and should leave the litigation entirely in the hands of the State. That advice from the AG's office is continuing to this day with outreach communications coming from his office, asking current litigants to opt into the settlements and allow the State to control the proceeds. Our attorneys are advising against that action at this time. There has already been an idea adopted in the State of Mississippi that deserves study and consideration here in North Dakota as a sensible compromise for the disbursement of funds that will result from the settlements. In that Mississippi model, the University of Mississippi Medical Center's Center for Addiction Medicine will receive an allocation of 70% of the settlement funds and dedicate that funding to providing opioid addiction abatement and treatment programs. Whether it is here in North Dakota or in Mississippi, smaller rural counties typically do not have the resources on their own to launch such efforts. The UND SMHS appears to already have in place an extensive outreach program throughout the state as detailed here: https://med.und.edu/service/index.html With the considerable resources that would become available under such an agreement, those entities might be the ideal avenue to help North Dakota citizens in need. I have attached the Mississippi agreement and a draft of a modified agreement tailored for North Dakota for consideration by North Dakota officials, including yourselves. I would respectfully request that a presentation by our attorneys be scheduled at the next meeting of your Advisory Council to provide information on this proposal and to answer questions that you may have. I look forward to your reply. Curtis Olafson Olafson Consulting LLC Public Policy and Political Consulting North Dakota State Senate (2006-2012) Olafson Farm and Ranch, (Est. 1883) 13041 84th St NE Edinburg, ND 58227 701-265-2356 Cell https://www.olafsonconsulting.com/ colafson@polarcomm.com The information contained in this message is confidential, protected from disclosure and may be legally privileged. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, distribution, copying, or any action taken or action omitted in reliance on it, is strictly prohibited and may be unlawful. Forwarding this message to other recipients is permitted only if approved by the original author. If you have received this communication in error, please notify us immediately by replying to this message and destroy the material in its entirety, whether in electronic or hard copy format.
Attachments	16060.pdf

Record 1511

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: UND School of Medicine and Health Sciences proposal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:26:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:26:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:26:00.000 PM

Body

From: Nelson, Jon O. <jonelson@nd.gov>
Sent: Wednesday, December 1, 2021 2:34 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: UND School of Medicine and Health Sciences proposal

---

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Wednesday, December 1, 2021 2:12:50 PM
To: Nelson, Jon O. <jonelson@nd.gov>; Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: RE: UND School of Medicine and Health Sciences proposal

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Good morning Jon et al,

To clarify our request, our group would like to be put on the agenda for one of our attorneys to do a presentation at the next meeting of the Advisory Council. We are hoping that will be relatively soon as there are deadlines looming for decisions relating to the opioid settlement policies.

The purpose of the presentation would be to provide the most current information on the litigation settlements and to present for discussion and consideration the possibility of UND SMHS taking on a role similar to what has been adopted in Mississippi, wherein the University of Mississippi Medical Center will receive settlement funds and implement opioid abatement and treatment programs throughout the state.

Also, to further clarify, if the UND SMHS would be agreeable to a similar role as has been adopted in Mississippi, the SMHS would not be "taking a position" or be a "part of any litigation."

The attached MOU edited and tailored for North Dakota details in Section B, subsection 1(c) the funds that would be allocated to the SMHS and the role that it would play in the abatement and treatment efforts. This plan would be aimed at helping cities and counties in North Dakota establish an effort to help them deal with ongoing opioid abuse and addiction.

Please do not hesitate to reach out to me if you have any additional questions or would like further clarification.

Regards,

Curtis Olafson
Olafson Consulting LLC
Public Policy and Political Consulting
North Dakota State Senate (2006-2012)
Olafson Farm and Ranch, (Est. 1883)
13041 84th St NE
Edinburg, ND 58227
701-265-2356 Cell
https://www.olafsonconsulting.com/
colafson@polarcomm.com

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From: Nelson, Jon O. <jonelson@nd.gov>
Sent: Wednesday, December 1, 2021 8:22 AM
To: Curtis Olafson <colafson@polarcomm.com>; Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com; 'Matthew Vinson' <

Body

MVinson@lawyerworks.com>
Subject: Re: UND School of Medicine and Health Sciences proposal

Curt: thank you for reaching out to the NDSMHS Advisory Committee with your request to be added to the agenda of a subsequent Advisory Committee meeting. Although it would be interesting to hear the reasoning and progress your group has experienced, I am a little confused as to our role in taking a position or being part of any litigation in this regard.
Is this strictly informational or do you have other expectations of the Advisory Committee? I believe that question needs to be clarified prior to any further conversation.
Thanks Curt and I hope to hear back from you soon.

Jon

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Tuesday, November 30, 2021 3:02:28 PM
To: Mathern, Tim <tmathern@nd.gov>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: 'Matthew McCarley' <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: RE: UND School of Medicine and Health Sciences proposal

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Senator Mathern,

Thank you for your response and for your outreach to Dean Wynne. I look forward to further discussions with you and your colleagues.

After having had the privilege of serving with you in the Senate for 6 years, it comes as no surprise to me that you are interested in this proposal. You always have the best interests of the people in your heart, especially people who need help.

Curtis Olafson

From: Mathern, Tim <tmathern@nd.gov>
Sent: Tuesday, November 30, 2021 2:51 PM
To: Curtis Olafson <colafson@polarcomm.com>; Erbele, Robert S. <rerbele@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>; Wynne, Joshua <joshua.wynne@und.edu>
Cc: Matthew McCarley <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: Re: UND School of Medicine and Health Sciences proposal

Thank you for the note. Yes the opioid crisis has been in North Dakota too!

I am bringing this to the attention of Dean Wynne by way of this response.

Senator Tim Mathern

701 476 7825

tmathern@nd.gov

From: Curtis Olafson <colafson@polarcomm.com>
Sent: Tuesday, November 30, 2021 8:25 AM
To: Erbele, Robert S. <rerbele@nd.gov>; Mathern, Tim <tmathern@nd.gov>; Dobervich, Gretchen <gdobervich@nd.gov>; Nelson, Jon O. <jonelson@nd.gov>; Courtney Koebele <ckoebele@ndmed.com>
Cc: Matthew McCarley <mccarley@fnlawfirm.com>; mdaniel@lawyerworks.com <mdaniel@lawyerworks.com>; 'Matthew Vinson' <MVinson@lawyerworks.com>
Subject: UND School of Medicine and Health Sciences proposal

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Dear friends,

I am writing today regarding your position of service on the University of North Dakota School of Medicine and Health Sciences Advisory Council.

You may be aware that I spent the better part of two years working with a consortium of three large national law firms assisting them with opioid litigation outreach here in North Dakota. My role in the process was to arrange

Body	presentations before county commissions, city commissions and councils, the North Dakota Association of Counties, the North Dakota League of Cities and Attorney General Wayne Stenejhem. We were very successful in our effort to demonstrate to North Dakota counties and cities the wisdom in pursuing their own cases. The law firms represent North Dakota clients on a contingency basis at a recovery percentage that is quite modest. Twenty-six North Dakota counties and three cities signed on as litigants with our group. The consortium I represented included the following firms: Fears Nachawati, Ferrer Poirot Wansbrough, and Motley Rice. These are all large, nationally recognized and highly-respected law firms. When considering whether I should help this group in North Dakota, I was agreeable to do so after being given strict assurances that the litigation they would be pursuing would not target medical providers or hospitals and would instead be focused on opioid manufacturers, distributors, and large national chain pharmacies. They have stayed true to their word with me. They also assured me that they would be focusing on recovering financial damages that had been incurred by their clients as a direct result of the opioid crisis. Further, they have been unwavering in their focus on recovering resources to provide abatement of the problem and ongoing treatment for our citizens suffering from opioid addiction and abuse. Given your position on the Advisory Council and your work in the Legislature, you certainly know that North Dakota was not immune to losing many lives-and great suffering for others-from opioid abuse. In one small low population North Dakota county where I testified before the county commission, the sheriff also testified and said the county had four relatively recent overdose deaths. Throughout the entire process, Attorney General Stenehjem has advised North Dakota political subdivisions that they should not file their own cases and should leave the litigation entirely in the hands of the State. That advice from the AG's office is continuing to this day with outreach communications coming from his office, asking current litigants to opt into the settlements and allow the State to control the proceeds. Our attorneys are advising against that action at this time. There has already been an idea adopted in the State of Mississippi that deserves study and consideration here in North Dakota as a sensible compromise for the disbursement of funds that will result from the settlements. In that Mississippi model, the University of Mississippi Medical Center's Center for Addiction Medicine will receive an allocation of 70% of the settlement funds and dedicate that funding to providing opioid addiction abatement and treatment programs. Whether it is here in North Dakota or in Mississippi, smaller rural counties typically do not have the resources on their own to launch such efforts. The UND SMHS appears to already have in place an extensive outreach program throughout the state as detailed here: https://med.und.edu/service/index.html With the considerable resources that would become available under such an agreement, those entities might be the ideal avenue to help North Dakota citizens in need. I have attached the Mississippi agreement and a draft of a modified agreement tailored for North Dakota for consideration by North Dakota officials, including yourselves. I would respectfully request that a presentation by our attorneys be scheduled at the next meeting of your Advisory Council to provide information on this proposal and to answer questions that you may have. I look forward to your reply. Curtis Olafson Olafson Consulting LLC Public Policy and Political Consulting North Dakota State Senate (2006-2012) Olafson Farm and Ranch, (Est. 1883) 13041 84th St NE Edinburg, ND 58227 701-265-2356 Cell https://www.olafsonconsulting.com/ colafson@polarcomm.com The information contained in this message is confidential, protected from disclosure and may be legally privileged. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, distribution, copying, or any action taken or action omitted in reliance on it, is strictly prohibited and may be unlawful. Forwarding this message to other recipients is permitted only if approved by the original author. If you have received this communication in error, please notify us immediately by replying to this message and destroy the material in its entirety, whether in electronic or hard copy format.
Attachments	12711.pdf

Record 1512

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov, tseibel@nd.gov
Subject	FW: PAST DUE - Subsequent Events Information - Attached - Due November 12, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:43:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:43:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:43:00.000 PM

Body	Do we have any of these? Wayne **From:** -Info-ACFR <acfr@nd.gov> **Sent:** Thursday, December 2, 2021 2:29 PM **To:** Beadle, Thomas R. <tbeadle@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Soucie, Mary J. <msoucie@nd.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Davis, Nathan <nathan.davis@nd.gov>; Kemmet, Marietta J. <marikemmet@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Kriege, Rachel F. <rkriege@nd.gov>; Porter, Tim C. <tcporter@nd.gov>; Hummel, Maj. Aaron R. <arhummel@nd.gov>; Learn, Mark D. <mlearn@nd.gov>; Diane Peycke (peycked@gmail.com) <peycked@gmail.com>; Lyons, Sara <slyons@nd.gov>; Fisher, Neal H. <nfisher@ndwheat.com>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Schumacher, Sara A. <saschumacher@nd.gov>; Ziegler, Lori L. <lziegler@nd.gov> **Subject:** PAST DUE - Subsequent Events Information - Attached - Due November 12, 2021 **Importance:** High Attached you will find the Subsequent Events Letter which needs to be filled out and returned to OMB by November 12, 2021. On page 2 you will need to enter your Agency, Department Number and sign off as to whether you have events or not. If you do please attach a detailed explanation of any event(s). Please return by sending to acfr@nd.gov Thank you for your cooperation. ACFR *Fiscal Management* 701.328.2680 • acfr@nd.gov • www.omb.nd.gov
Attachments	image001[13455].png, 16059.docx

Record 1513

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov, tseibel@nd.gov
Subject	FW: PAST DUE - Subsequent Events Information - Attached - Due November 12, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:43:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:43:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 2:43:00.000 PM

Body	Do we have any of these? Wayne **From:** -Info-ACFR <acfr@nd.gov> **Sent:** Thursday, December 2, 2021 2:29 PM **To:** Beadle, Thomas R. <tbeadle@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Bjornson, John D. <jbjornson@nd.gov>; Holewa, Sally <sholewa@ndcourts.gov>; Soucie, Mary J. <msoucie@nd.gov>; Hovendick, Connie L. <connie.hovendick@k12.nd.us>; Davis, Nathan <nathan.davis@nd.gov>; Kemmet, Marietta J. <marikemmet@nd.gov>; Godfread, Jon <jongodfread@nd.gov>; Kriege, Rachel F. <rkriege@nd.gov>; Porter, Tim C. <tcporter@nd.gov>; Hummel, Maj. Aaron R. <arhummel@nd.gov>; Learn, Mark D. <mlearn@nd.gov>; Diane Peycke (peycked@gmail.com) <peycked@gmail.com>; Lyons, Sara <slyons@nd.gov>; Fisher, Neal H. <nfisher@ndwheat.com>; Keller, Becky J. <bekeller@nd.gov>; Gerding, Tasha A. <tgerding@nd.gov>; Schumacher, Sara A. <saschumacher@nd.gov>; Ziegler, Lori L. <lziegler@nd.gov> **Subject:** PAST DUE - Subsequent Events Information - Attached - Due November 12, 2021 **Importance:** High Attached you will find the Subsequent Events Letter which needs to be filled out and returned to OMB by November 12, 2021. On page 2 you will need to enter your Agency, Department Number and sign off as to whether you have events or not. If you do please attach a detailed explanation of any event(s). Please return by sending to acfr@nd.gov Thank you for your cooperation. ACFR *Fiscal Management* 701.328.2680 • acfr@nd.gov • www.omb.nd.gov
Attachments	image001[10110].png, 12710.docx

Record 1514

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Responsibility.org PSA Taping Opportunity
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:12:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:12:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:12:00.000 PM

Body	ok **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, December 2, 2021 2:01 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Responsibility.org PSA Taping Opportunity Do you want to do this? If so, what date/time works best for you? Liz **From:** Christiana Falcon <Christiana.Falcon@responsibility.org> **Sent:** Wednesday, December 1, 2021 10:17 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Responsibility.org PSA Taping Opportunity ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon, I am reaching out on behalf of Responsibility.org with a formal invite for the Attorney General to participate in our annual PSA Taping. I have attached our invite along with the two script options and Zoom recording tutorial. Our preferred available times for tapings are between December 1st and December 15th between 1pm-4pm est, but we are flexible if anything in that time frame doesn't work. Please let me know if you have any questions. Best, Christiana Falcon **Christiana Falcon** **Manager, Government Relations and Traffic Safety** **O:** (202) 355-1947 **C:** (571) 228-1690
Attachments	image001[13464].png, image002[13465].png, image003[13466].png, image004[13467].png, image005[13468].png, image006[13469].png

Record 1515

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Responsibility.org PSA Taping Opportunity
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:12:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:12:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:12:00.000 PM

Body	ok **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, December 2, 2021 2:01 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Responsibility.org PSA Taping Opportunity Do you want to do this? If so, what date/time works best for you? Liz **From:** Christiana Falcon <Christiana.Falcon@responsibility.org> **Sent:** Wednesday, December 1, 2021 10:17 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Responsibility.org PSA Taping Opportunity ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon, I am reaching out on behalf of Responsibility.org with a formal invite for the Attorney General to participate in our annual PSA Taping. I have attached our invite along with the two script options and Zoom recording tutorial. Our preferred available times for tapings are between December 1st and December 15th between 1pm-4pm est, but we are flexible if anything in that time frame doesn't work. Please let me know if you have any questions. Best, Christiana Falcon **Christiana Falcon** **Manager, Government Relations and Traffic Safety** **O:** (202) 355-1947 **C:** (571) 228-1690
Attachments	image001[10118].png, image002[10119].png, image003[10120].png, image004[10121].png, image005[10122].png, image006[10123].png

Record 1516

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Media request FW: Attorneys General meeting next week
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:34:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:34:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:34:58.000 PM

Body	I may, but want to know what they want to talk about Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, December 2, 2021 3:27:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media request FW: Attorneys General meeting next week In a follow up email, he said they want to talk about the vaccine mandates and "maybe some other issues" but they'll let me know tomorrow what those would be. I know you have some obligations while you are there, but will you have some availability for them? Liz **From:** J.R. Havens <Joseph.HavensJr@kfyrtv.com> **Sent:** Thursday, December 2, 2021 3:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Cc:** Anthony Humes <anthony.humes@kfyrtv.com>; Cliff Naylor <clifford.naylor@kfyrtv.com> **Subject:** Attorneys General meeting next week ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz, I hope you had a great Thanksgiving. We are wondering if Wayne will be headed to the annual National Association of Attorneys General Conference next week in DC. Our bureau there is willing to cover it and ask Wayne a few questions if he is willing. Thank you, **J.R. Havens** News Director KFYR TV, KQCD TV, KMOT TV, KUMV TV, West Dakota FOX Bismarck, ND 58501 701-255-8258 jhavens@kfyrtv.com @JRHavensKFYRTV
Attachments	13459.gov

Record 1517

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Media request FW: Attorneys General meeting next week
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:34:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:34:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 3:34:58.000 PM

Body	I may, but want to know what they want to talk about Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, December 2, 2021 3:27:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media request FW: Attorneys General meeting next week In a follow up email, he said they want to talk about the vaccine mandates and "maybe some other issues" but they'll let me know tomorrow what those would be. I know you have some obligations while you are there, but will you have some availability for them? Liz **From:** J.R. Havens <Joseph.HavensJr@kfyrtv.com> **Sent:** Thursday, December 2, 2021 3:02 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Cc:** Anthony Humes <anthony.humes@kfyrtv.com>; Cliff Naylor <clifford.naylor@kfyrtv.com> **Subject:** Attorneys General meeting next week ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz, I hope you had a great Thanksgiving. We are wondering if Wayne will be headed to the annual National Association of Attorneys General Conference next week in DC. Our bureau there is willing to cover it and ask Wayne a few questions if he is willing. Thank you, **J.R. Havens** News Director KFYR TV, KQCD TV, KMOT TV, KUMV TV, West Dakota FOX Bismarck, ND 58501 701-255-8258 jhavens@kfyrtv.com @JRHavensKFYRTV
Attachments	image001[10113].png

Record 1518

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Fwd: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:41:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:41:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:42:00.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** jmkasper@amg-nd.com <jmkasper@amg-nd.com> **Sent:** Thursday, December 2, 2021 4:16:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Jim Kasper <jmkasper@amg-nd.com> **Subject:** IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne: I have two important issues to visit with you about: 1. The Consumer Fraud situation with my brother-in-law, Leonard Mosbrucker, that I called you about last week. 2. Considering a Press Release from your office regarding where we are at in ND with respect to all of the recent Court Rulings on the Vaccine mandates. Most of ND citizens I think would be grateful to your office—you—if you issued a "white paper" or press release clarifying everything. I am available by cell phone all the time: 701-799-9000 Thanks, Wayne. Jim James M. Kasper President Asset Management Group, Inc. 1128 Westrac Drive Fargo, ND 58103 Office Phone: 701-232-6250 Cell Phone: 701-799-9000 Office Email: jmkasper@amg-nd.com Representative Jim Kasper North Dakota House of Representatives District 46, Fargo Chairman Government & Veterans Affairs Committee Chairman Special House Committee on Ethics Member Industry, Business & Labor Committee Business Phone: 701-232-6250 Cell Phone: 701-799-9000 Email: jkasper@nd.gov

Record 1519

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Fwd: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:41:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:41:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:42:00.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** jmkasper@amg-nd.com <jmkasper@amg-nd.com> **Sent:** Thursday, December 2, 2021 4:16:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Jim Kasper <jmkasper@amg-nd.com> **Subject:** IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne: I have two important issues to visit with you about: 1. The Consumer Fraud situation with my brother-in-law, Leonard Mosbrucker, that I called you about last week. 2. Considering a Press Release from your office regarding where we are at in ND with respect to all of the recent Court Rulings on the Vaccine mandates. Most of ND citizens I think would be grateful to your office—you—if you issued a "white paper" or press release clarifying everything. I am available by cell phone all the time: 701-799-9000 Thanks, Wayne. Jim James M. Kasper President Asset Management Group, Inc. 1128 Westrac Drive Fargo, ND 58103 Office Phone: 701-232-6250 Cell Phone: 701-799-9000 Office Email: jmkasper@amg-nd.com Representative Jim Kasper North Dakota House of Representatives District 46, Fargo Chairman Government & Veterans Affairs Committee Chairman Special House Committee on Ethics Member Industry, Business & Labor Committee Business Phone: 701-232-6250 Cell Phone: 701-799-9000 Email: jkasper@nd.gov

Record 1520

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:51:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:52:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:52:41.000 PM

Body	Or he can run for this office himself Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, December 2, 2021 4:44:05 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 Please see my previous e-mail. As to item 2 he asked me to remind you he still wants to visit with you about the second item and doing a Press Release. I indicated I would pass this request along. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 2, 2021 4:42 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Fwd: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** jmkasper@amg-nd.com <jmkasper@amg-nd.com> **Sent:** Thursday, December 2, 2021 4:16:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Jim Kasper <jmkasper@amg-nd.com> **Subject:** IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne: I have two important issues to visit with you about: 1. The Consumer Fraud situation with my brother-in-law, Leonard Mosbrucker, that I called you about last week. 2. Considering a Press Release from your office regarding where we are at in ND with respect to all of the recent Court Rulings on the Vaccine mandates. Most of ND citizens I think would be grateful to your office---you---if you issued a "white paper" or press release clarifying everything. I am available by cell phone all the time: 701-799-9000 Thanks, Wayne. Jim James M. Kasper President Asset Management Group, Inc. 1128 Westrac Drive Fargo, ND 58103 Office Phone: 701-232-6250 Cell Phone: 701-799-9000 Office Email: jmkasper@amg-nd.com Representative Jim Kasper North Dakota House of Representatives District 46, Fargo Chairman Government & Veterans Affairs Committee Chairman Special House Committee on Ethics Member Industry, Business & Labor Committee Business Phone: 701-232-6250 Cell Phone: 701-799-9000 Email: jkasper@nd.gov

Record 1521

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:51:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:52:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 4:52:41.000 PM

Body	Or he can run for this office himself Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, December 2, 2021 4:44:05 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 Please see my previous e-mail. As to item 2 he asked me to remind you he still wants to visit with you about the second item and doing a Press Release. I indicated I would pass this request along. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 2, 2021 4:42 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Fwd: IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** jmkasper@amg-nd.com <jmkasper@amg-nd.com> **Sent:** Thursday, December 2, 2021 4:16:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Jim Kasper <jmkasper@amg-nd.com> **Subject:** IMPORTANT QUESTIONS---FROM REP. JIM KASPER--THURSDAY DECEMBER 2, 2021 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Wayne: I have two important issues to visit with you about: 1. The Consumer Fraud situation with my brother-in-law, Leonard Mosbrucker, that I called you about last week. 2. Considering a Press Release from your office regarding where we are at in ND with respect to all of the recent Court Rulings on the Vaccine mandates. Most of ND citizens I think would be grateful to your office---you---if you issued a "white paper" or press release clarifying everything. I am available by cell phone all the time: 701-799-9000 Thanks, Wayne. Jim James M. Kasper President Asset Management Group, Inc. 1128 Westrac Drive Fargo, ND 58103 Office Phone: 701-232-6250 Cell Phone: 701-799-9000 Office Email: jmkasper@amg-nd.com Representative Jim Kasper North Dakota House of Representatives District 46, Fargo Chairman Government & Veterans Affairs Committee Chairman Special House Committee on Ethics Member Industry, Business & Labor Committee Business Phone: 701-232-6250 Cell Phone: 701-799-9000 Email: jkasper@nd.gov

Record 1522

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Head Start Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 7:41:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 7:42:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 7:42:14.000 PM

Body	I had not heard of this one Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, December 2, 2021 4:03:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Head Start Vaccine Mandate FYI... **From:** McVey, David <David.McVey@state.sd.us> **Sent:** Thursday, December 2, 2021 4:49 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; brant.laue@ag.ks.gov; chris.robison@alaska.gov; Kurtis.Wiard@ag.ks.gov; leah.farzin@alaska.gov; maddie.green@ago.mo.gov **Subject:** Head Start Vaccine Mandate ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi all, Louisiana had circulated an email discussing the Head Start vaccine mandate and had asserted that they would be filing opposition. I am wondering if anyone in the 8th Circuit was working on putting together a case on the Head Start matter or whether states were considering joining Louisiana's lawsuit. Thanks. **David M. McVey** Assistant Attorney General Office of the Attorney General 1302 E. HWY 14, Suite 1 Pierre, SD 57501 (605)773-3215 (605)773-4106 david.mcvey@state.sd.us

Record 1523

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Head Start Vaccine Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 7:41:44.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 7:42:13.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/2/2021 7:42:14.000 PM

Body	I had not heard of this one Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, December 2, 2021 4:03:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Head Start Vaccine Mandate FYI... **From:** McVey, David <David.McVey@state.sd.us> **Sent:** Thursday, December 2, 2021 4:49 PM **To:** Sauer, John <John.Sauer@ago.mo.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Shasserre, Joshua' <joshua.shasserre@nebraska.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Nicholas Bronni' <nicholas.bronni@arkansasag.gov>; 'christopher.bond@doj.nh.gov' <christopher.bond@doj.nh.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; brant.laue@ag.ks.gov; chris.robison@alaska.gov; Kurtis.Wiard@ag.ks.gov; leah.farzin@alaska.gov; maddie.green@ago.mo.gov **Subject:** Head Start Vaccine Mandate ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi all, Louisiana had circulated an email discussing the Head Start vaccine mandate and had asserted that they would be filing opposition. I am wondering if anyone in the 8th Circuit was working on putting together a case on the Head Start matter or whether states were considering joining Louisiana's lawsuit. Thanks. **David M. McVey** Assistant Attorney General Office of the Attorney General 1302 E. HWY 14, Suite 1 Pierre, SD 57501 (605)773-3215 (605)773-4106 david.mcvey@state.sd.us

Record 1524

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shammond@naag.org
Subject	Re: NAAG Finance Committee Briefing (Part 3)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:10:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:11:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:11:02.000 AM

Body	I regret that I'll be unable to attend this meeting g. My apologies. Wayne Stenehjem Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Samantha Hammond <shammond@naag.org> **Sent:** Friday, December 3, 2021 9:50:57 AM **To:** Chris Toth <ctoth@naag.org>; Theresia Heller <theller@naag.org>; Erin Schechter <eschechter@naag.org>; agtommiller@ag.iowa.gov <agtommiller@ag.iowa.gov>; Herbert H. Slatery <Herbert.Slatery@ag.tn.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Tong, William <AG.Tong@ct.gov>; lawrence.wasden@ag.idaho.gov <lawrence.wasden@ag.idaho.gov>; Aaron D. Ford <ADFord@ag.nv.gov>; Albert Lama <alama@naag.org> **Cc:** Sheila Sage <Sheila.Sage@ag.tn.gov>; Fernand, Lori <Lori.Fernand@ct.gov>; Brocker, Liz <lbrocker@nd.gov>; janet.carter <janet.carter@ag.idaho.gov>; Vicki J. Beavers <VBeavers@ag.nv.gov>; Lisa.Wittmus@ag.iowa.gov <Lisa.Wittmus@ag.iowa.gov>; Ryan Greenstein <rgreenstein@naag.org>; Allison Gilmore <agilmore@naag.org>; Jeanette Manning <jmanning@naag.org>; Gloria Post <gpost@naag.org>; Annette Manning <amanning@naag.org>; Kane, Rowan <Rowan.Kane@ct.gov> **Subject:** NAAG Finance Committee Briefing (Part 3) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning, I wanted to send a reminder to you all. The NAAG Finance Committee Briefing (Part 3) is this afternoon (12/03/21). The teams meeting will be from 2:30-3:30pm ET. If you have any questions, feel free to reach out. Thank you, Samantha Hammond Samantha Hammond Administrative Assistant National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 shammond@naag.org www.naag.org
Attachments	13488.gov, 13489.gov

Record 1525

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	shammond@naag.org
Subject	Re: NAAG Finance Committee Briefing (Part 3)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:10:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:11:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:11:02.000 AM

Body	I regret that I'll be unable to attend this meeting g. My apologies. Wayne Stenehjem Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Samantha Hammond <shammond@naag.org> **Sent:** Friday, December 3, 2021 9:50:57 AM **To:** Chris Toth <ctoth@naag.org>; Theresia Heller <theller@naag.org>; Erin Schechter <eschechter@naag.org>; agtommiller@ag.iowa.gov <agtommiller@ag.iowa.gov>; Herbert H. Slatery <Herbert.Slatery@ag.tn.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Tong, William <AG.Tong@ct.gov>; lawrence.wasden@ag.idaho.gov <lawrence.wasden@ag.idaho.gov>; Aaron D. Ford <ADFord@ag.nv.gov>; Albert Lama <alama@naag.org> **Cc:** Sheila Sage <Sheila.Sage@ag.tn.gov>; Fernand, Lori <Lori.Fernand@ct.gov>; Brocker, Liz <lbrocker@nd.gov>; janet.carter <janet.carter@ag.idaho.gov>; Vicki J. Beavers <VBeavers@ag.nv.gov>; Lisa.Wittmus@ag.iowa.gov <Lisa.Wittmus@ag.iowa.gov>; Ryan Greenstein <rgreenstein@naag.org>; Allison Gilmore <agilmore@naag.org>; Jeanette Manning <jmanning@naag.org>; Gloria Post <gpost@naag.org>; Annette Manning <amanning@naag.org>; Kane, Rowan <Rowan.Kane@ct.gov> **Subject:** NAAG Finance Committee Briefing (Part 3) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning, I wanted to send a reminder to you all. The NAAG Finance Committee Briefing (Part 3) is this afternoon (12/03/21). The teams meeting will be from 2:30-3:30pm ET. If you have any questions, feel free to reach out. Thank you, Samantha Hammond Samantha Hammond Administrative Assistant National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 shammond@naag.org www.naag.org
Attachments	image001[10141].png, image002[10142].png

Record 1526

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Privileged Communication
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:15:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:16:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:16:24.000 AM

Body	Matt, You should go ahead a d participate in the call. Let me know what the concerns are and if they can be remedied. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, December 3, 2021 9:03:58 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Privileged Communication Wayne, Jodi has asked me to review the attached law that Sen. Hoeven is working on. I have some concerns with the law that relate to section lines….see below. It looks like Jodi wants me to talk with an attorney named Allen Freemyer, who is working on the bill for Senator Hoeven. I don't feel comfortable communicating my concerns to him, unless I get approval from you. And if I do have approval, how do you want me to proceed with him? Matt **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, December 3, 2021 9:44 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Smith, Jodi <jodi.smith@nd.gov> **Cc:** Garner, David P. <dpgarner@nd.gov> **Subject:** RE: Privileged Communication Matt, Would you be available sometime this morning to hop on a call and discuss your concerns with Allen Freemyer? Allen is the attorney who has been working on the draft of this bill on behalf of Senator Hoeven. James **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, December 3, 2021 9:10 AM **To:** Wald, James J. <jawald@nd.gov>; Smith, Jodi <jodi.smith@nd.gov> **Cc:** Garner, David P. <dpgarner@nd.gov> **Subject:** Privileged Communication James and Jodi, I do have a few serious concerns with this law after my brief review. The first is that I do not believe the Land Board, or frankly the State, has the authority to convey away section line rights of way that encumber state lands. The State holds and manages section line rights of way in trust for the public. And, such encumbrances would be conveyed with any transfer as a matter of state law. Consequently, I don't think either the Land Board or the State could convey "clear title" as required by the proposed federal law. It would be inconsistent with the law, and our long-standing litigation position in the Section Line case, to say that the Land Board or the State may simply terminate the right of way as part of a conveyance. Also, practically speaking, I would be concerned that the consolidation of federal land in the National Grasslands is not in the interests of the State. The Forest Service has been trying for many years to declare certain portions of the Nat. Grasslands and roadless areas. And, removing or disestablishing roads every year. The State has consistently opposed these attempts by the FS. Any actions by the State that result in the consolidation of federal lands in the national grasslands would likely be seen by the grazing association as helping to facilitate the elimination of roads and establishment of roadless areas. Also, you should know that the United States takes the position in our case that section lines are not valid existing rights. Even if the state thought it was conveying section lines with a land transfer, it is possible that the United States would accept that conveyance as a conveyance of "clear title", because the United States does not recognize the rights of way as valid existing rights. I am happy to discuss further if you would like. Matt
CC	tseibel@nd.gov

Record 1527

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Privileged Communication
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:15:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:16:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:16:24.000 AM

Body	Matt, You should go ahead a d participate in the call. Let me know what the concerns are and if they can be remedied. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, December 3, 2021 9:03:58 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Privileged Communication Wayne, Jodi has asked me to review the attached law that Sen. Hoeven is working on. I have some concerns with the law that relate to section lines….see below. It looks like Jodi wants me to talk with an attorney named Allen Freemyer, who is working on the bill for Senator Hoeven. I don't feel comfortable communicating my concerns to him, unless I get approval from you. And if I do have approval, how do you want me to proceed with him? Matt **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, December 3, 2021 9:44 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Smith, Jodi <jodi.smith@nd.gov> **Cc:** Garner, David P. <dpgarner@nd.gov> **Subject:** RE: Privileged Communication Matt, Would you be available sometime this morning to hop on a call and discuss your concerns with Allen Freemyer? Allen is the attorney who has been working on the draft of this bill on behalf of Senator Hoeven. James **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, December 3, 2021 9:10 AM **To:** Wald, James J. <jawald@nd.gov>; Smith, Jodi <jodi.smith@nd.gov> **Cc:** Garner, David P. <dpgarner@nd.gov> **Subject:** Privileged Communication James and Jodi, I do have a few serious concerns with this law after my brief review. The first is that I do not believe the Land Board, or frankly the State, has the authority to convey away section line rights of way that encumber state lands. The State holds and manages section line rights of way in trust for the public. And, such encumbrances would be conveyed with any transfer as a matter of state law. Consequently, I don't think either the Land Board or the State could convey "clear title" as required by the proposed federal law. It would be inconsistent with the law, and our long-standing litigation position in the Section Line case, to say that the Land Board or the State may simply terminate the right of way as part of a conveyance. Also, practically speaking, I would be concerned that the consolidation of federal land in the National Grasslands is not in the interests of the State. The Forest Service has been trying for many years to declare certain portions of the Nat. Grasslands and roadless areas. And, removing or disestablishing roads every year. The State has consistently opposed these attempts by the FS. Any actions by the State that result in the consolidation of federal lands in the national grasslands would likely be seen by the grazing association as helping to facilitate the elimination of roads and establishment of roadless areas. Also, you should know that the United States takes the position in our case that section lines are not valid existing rights. Even if the state thought it was conveying section lines with a land transfer, it is possible that the United States would accept that conveyance as a conveyance of "clear title", because the United States does not recognize the rights of way as valid existing rights. I am happy to discuss further if you would like. Matt
CC	tseibel@nd.gov

Record 1528

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lk426@nd.gov
Subject	FW: S/A Luke Kapella and S/A General Lee
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:23:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:23:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:23:00.000 AM

Body	Congratulations, Luke! Well done. I am looking forward to meeting our new canine agent! Wayne **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Friday, December 3, 2021 11:20 AM **To:** -Grp-AG BCI All Staff <agbciall@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Nelson, Douglas D. <ddnelson@nd.gov>; Ersland, Kim L. <kersland@nd.gov>; Hill, Derek J. <Derek.J.Hill@usdoj.gov> **Subject:** S/A Luke Kapella and S/A General Lee Good morning, I wanted to share an update that S/A Luke Kapella (426) and S/A General Lee (493) officially graduated from the Bureau of Alcohol Tobacco Firearms and Explosives (BATFE) Accelerant Detection Canine School today! Luke and Lee are the first from ND to attend and complete this prestigious course and will be returning home this weekend. We have attached a photo of the graduates. Please reach out to Luke and congratulate the team on their success! Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 cell lgrabowska@nd.gov
CC	lgrabowska@nd.gov, lbrocker@nd.gov
Attachments	image001[13494].gif, image002[13495].jpg, IMG_1797[16058].JPEG

Record 1529

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lk426@nd.gov
Subject	FW: S/A Luke Kapella and S/A General Lee
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:23:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:23:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 11:23:00.000 AM

Body	Congratulations, Luke! Well done. I am looking forward to meeting our new canine agent! Wayne **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Friday, December 3, 2021 11:20 AM **To:** -Grp-AG BCI All Staff <agbciall@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>; Nelson, Douglas D. <ddnelson@nd.gov>; Ersland, Kim L. <kersland@nd.gov>; Hill, Derek J. <Derek.J.Hill@usdoj.gov> **Subject:** S/A Luke Kapella and S/A General Lee Good morning, I wanted to share an update that S/A Luke Kapella (426) and S/A General Lee (493) officially graduated from the Bureau of Alcohol Tobacco Firearms and Explosives (BATFE) Accelerant Detection Canine School today! Luke and Lee are the first from ND to attend and complete this prestigious course and will be returning home this weekend. We have attached a photo of the graduates. Please reach out to Luke and congratulate the team on their success! Thank you, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 cell lgrabowska@nd.gov
CC	lgrabowska@nd.gov, lbrocker@nd.gov
Attachments	image001[10148].gif, image002[10149].jpg, IMG_1797[12709].JPEG

Record 1530

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	khogan@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:19:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:20:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:20:06.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211203_141834[16057].jpg

Record 1531

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	khogan@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:19:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:20:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:20:06.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211203_141834[12708].jpg

Record 1532

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	khogan@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:20:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:21:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:21:24.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211203_141832[16056].jpg

Record 1533

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	khogan@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:20:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:21:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:21:24.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211203_141832[12707].jpg

Record 1534

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:40:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:40:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:40:30.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211203_141604[16055].jpg

Record 1535

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:40:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:40:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 3:40:30.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Attachments	20211203_141604[12706].jpg

Record 1536

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rholmberg@nd.gov
Subject	Re: Cemetery bill passes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 4:17:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 4:20:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 4:20:16.000 PM
Body	The law seems to have stood the test of time Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Holmberg, Ray E. <rholmberg@nd.gov> **Sent:** Friday, December 3, 2021 2:57:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Cemetery bill passes Wayne, You are mentioned. **From:** Holmberg, Ray E. <rholmberg@nd.gov> **Sent:** Wednesday, April 8, 2009 5:42 AM **Subject:** Cemetery bill passes Published April 07 2009 **N.D. Senate: No specials for nonprofit cemeteries** A bill banning special assessments against nonprofit cemeteries was unanimously passed by the state Senate on Tuesday, and now the bill will head to the House of Representatives for a final vote. By: **Ryan Johnson**, Grand Forks Herald A bill banning special assessments against nonprofit cemeteries was unanimously passed by the state Senate on Tuesday, and now the bill will head to the House of Representatives for a final vote. Sen. Ray Holmberg, R-Grand Forks, said Senate Bill 2241 will need a hearing in the House before coming up for a final vote, but he didn't know when that will happen. He wouldn't comment on the chances of the bill passing the House, but said Tuesday's unanimous vote "is a good omen." There was no debate in the Senate either, which Holmberg said he expected because senators had many discussions before the vote. "The bottom line was we said it's just wrong to assess dead people for benefit," he said. "Frankly, (dead people) don't care. I think the Legislature surely does because there was no discussion on the other side." Special assessments are a kind of property tax used to pay for infrastructure such as streets and dikes. They are levied on benefiting properties, which usually means a section of the city. Holmberg introduced the bill two weeks ago as a reaction to a dispute between the Grand Forks City Council and the Grand Forks Cemetery Association. Association President Gordon Iseminger argued the assessments were already banned by a 1970 state Supreme Court decision, but some City Council members said the fees that pay for Grand Forks' flood protection system should be charged to everyone as a matter of fairness. Attorney General Wayne Stenehjem said in a March 18 opinion that the law was unsettled in this area. **Solving old problem** The bill was amended in the Senate Finance and Taxation Committee before being approved by the Senate Tuesday. Sen. Connie Triplett, D-Grand Forks, said some lawmakers were originally concerned about exempting cemeteries because it could cause a large increase of special assessments to other property owners in the district. But a change that makes it clear that the city can spread the fees across the whole municipality rather than expect a single district to make up the difference helps keep the impact to a minimum, she said. "We think this is a fair solution to a long, 40-year-old problem," Triplett said. The Grand Forks Cemetery Association currently owes the city $240,000 from previous assessments and was scheduled for another $118,000 next year. It paid $45,000 toward the assessments but hasn't paid any additional money since 2004. Holmberg said if the law passes the House, that debt would be erased and the city could spread the fees out across all other special assessment payers. "It clearly gives the city a direction of what they can do," he said.

Record 1537

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rholmberg@nd.gov
Subject	Re: Cemetery bill passes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 4:17:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 4:20:15.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 4:20:16.000 PM
Body	The law seems to have stood the test of time Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Holmberg, Ray E. <rholmberg@nd.gov> **Sent:** Friday, December 3, 2021 2:57:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Cemetery bill passes Wayne, You are mentioned. **From:** Holmberg, Ray E. <rholmberg@nd.gov> **Sent:** Wednesday, April 8, 2009 5:42 AM **Subject:** Cemetery bill passes Published April 07 2009 **N.D. Senate: No specials for nonprofit cemeteries** A bill banning special assessments against nonprofit cemeteries was unanimously passed by the state Senate on Tuesday, and now the bill will head to the House of Representatives for a final vote. By: **Ryan Johnson**, Grand Forks Herald A bill banning special assessments against nonprofit cemeteries was unanimously passed by the state Senate on Tuesday, and now the bill will head to the House of Representatives for a final vote. Sen. Ray Holmberg, R-Grand Forks, said Senate Bill 2241 will need a hearing in the House before coming up for a final vote, but he didn't know when that will happen. He wouldn't comment on the chances of the bill passing the House, but said Tuesday's unanimous vote "is a good omen." There was no debate in the Senate either, which Holmberg said he expected because senators had many discussions before the vote. "The bottom line was we said it's just wrong to assess dead people for benefit," he said. "Frankly, (dead people) don't care. I think the Legislature surely does because there was no discussion on the other side." Special assessments are a kind of property tax used to pay for infrastructure such as streets and dikes. They are levied on benefiting properties, which usually means a section of the city. Holmberg introduced the bill two weeks ago as a reaction to a dispute between the Grand Forks City Council and the Grand Forks Cemetery Association. Association President Gordon Iseminger argued the assessments were already banned by a 1970 state Supreme Court decision, but some City Council members said the fees that pay for Grand Forks' flood protection system should be charged to everyone as a matter of fairness. Attorney General Wayne Stenehjem said in a March 18 opinion that the law was unsettled in this area. **Solving old problem** The bill was amended in the Senate Finance and Taxation Committee before being approved by the Senate Tuesday. Sen. Connie Triplett, D-Grand Forks, said some lawmakers were originally concerned about exempting cemeteries because it could cause a large increase of special assessments to other property owners in the district. But a change that makes it clear that the city can spread the fees across the whole municipality rather than expect a single district to make up the difference helps keep the impact to a minimum, she said. "We think this is a fair solution to a long, 40-year-old problem," Triplett said. The Grand Forks Cemetery Association currently owes the city $240,000 from previous assessments and was scheduled for another $118,000 next year. It paid $45,000 toward the assessments but hasn't paid any additional money since 2004. Holmberg said if the law passes the House, that debt would be erased and the city could spread the fees out across all other special assessment payers. "It clearly gives the city a direction of what they can do," he said.

Record 1538

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Meeting Request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 5:13:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 5:13:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 5:13:00.000 PM

Body	The morning of Dec 17 is best. Before the BCI Christmas lunch **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, December 3, 2021 4:43 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Meeting Request May I set up a meeting> Liz **From:** Kruse, I. Lise <lkruse@nd.gov> **Sent:** Friday, December 3, 2021 1:26 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Meeting Request Liz, I would like to have an in-person meeting with the Attorney General to discuss some of our department's challenges as we navigate the increasing complexities with the financial industries we regulate. Rick Clayburgh, President/CEO of the North Dakota Bankers' Association would like to be part of the meeting to give his perspective on how the department interacts with our bankers. Would it be possible to meet with Attorney General Stenehjem in the afternoon on Dec 15, morning of Dec 16 or Dec 17? Thank you for your consideration! Lise. Lise Kruse *Commissioner* 701.328.9938 • 701.367.4157 (m) • lkruse@nd.gov • www.nd.gov/dfi/ Confidentiality Notice: the information contained in this email and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not copy or use this e-mail or any attachments for any purpose, nor disclose all or any part of the contents to any other person.
Attachments	image001[13522].jpg, image002[13523].png, image003[13524].png

Record 1539

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Meeting Request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 5:13:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 5:13:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 5:13:00.000 PM

Body	The morning of Dec 17 is best. Before the BCI Christmas lunch **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, December 3, 2021 4:43 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Meeting Request May I set up a meeting> Liz **From:** Kruse, I. Lise <lkruse@nd.gov> **Sent:** Friday, December 3, 2021 1:26 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Meeting Request Liz, I would like to have an in-person meeting with the Attorney General to discuss some of our department's challenges as we navigate the increasing complexities with the financial industries we regulate. Rick Clayburgh, President/CEO of the North Dakota Bankers' Association would like to be part of the meeting to give his perspective on how the department interacts with our bankers. Would it be possible to meet with Attorney General Stenehjem in the afternoon on Dec 15, morning of Dec 16 or Dec 17? Thank you for your consideration! Lise. Lise Kruse *Commissioner* 701.328.9938 • 701.367.4157 (m) • lkruse@nd.gov • www.nd.gov/dfi/ Confidentiality Notice: the information contained in this email and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not copy or use this e-mail or any attachments for any purpose, nor disclose all or any part of the contents to any other person.
Attachments	image001[10178].jpg, image002[10179].png, image003[10180].png

Record 1540

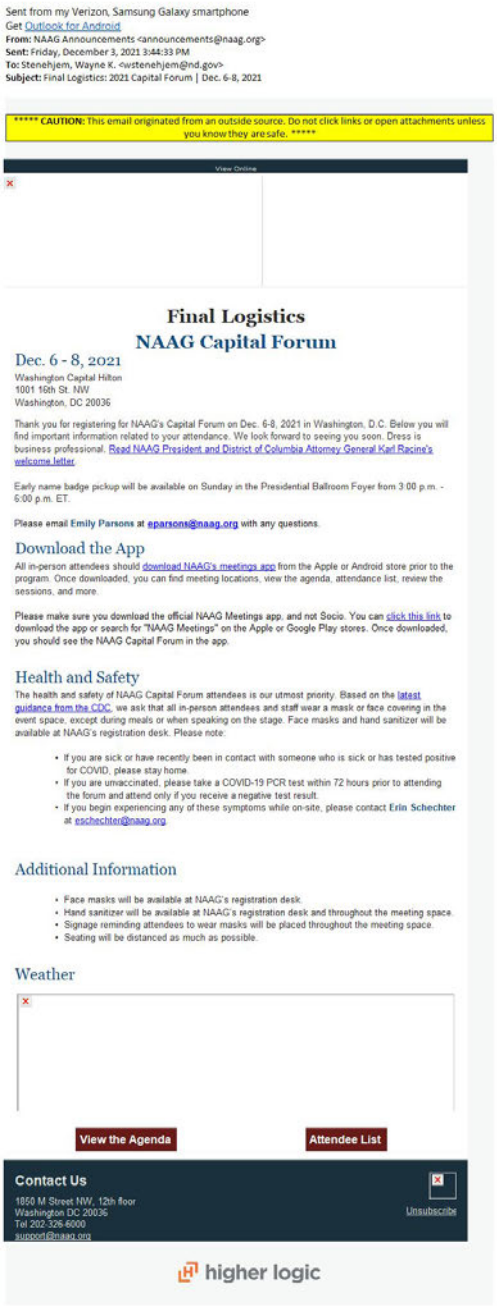
Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:20:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:21:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:21:43.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211203_194106[16054].jpg

Record 1541

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:20:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:21:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:21:43.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20211203_194106[12705].jpg

Record 1542

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: Final Logistics: 2021 Capital Forum | Dec. 6-8, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:49:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:49:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:49:33.000 PM
Body	

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: NAAG Announcements <announcements@naag.org>
Sent: Friday, December 3, 2021 3:44:33 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Final Logistics: 2021 Capital Forum | Dec. 6-8, 2021

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View Online

Final Logistics
NAAG Capital Forum

Dec. 6 - 8, 2021

Washington Capital Hilton
1001 16th St. NW
Washington, DC 20036

Thank you for registering for NAAG's Capital Forum on Dec. 6-8, 2021 in Washington, D.C. Below you will find important information related to your attendance. We look forward to seeing you soon. Dress is business professional. Read NAAG President and District of Columbia Attorney General Karl Racine's welcome letter.

Early name badge pickup will be available on Sunday in the Presidential Ballroom Foyer from 3:00 p.m. - 6:00 p.m. ET.

Please email Emily Parsons at eparsons@naag.org with any questions.

Download the App

All in-person attendees should download NAAG's meetings app from the Apple or Android store prior to the program. Once downloaded, you can find meeting locations, view the agenda, attendance list, review the sessions, and more.

Please make sure you download the official NAAG Meetings app, and not Socio. You can click this link to download the app or search for "NAAG Meetings" on the Apple or Google Play stores. Once downloaded, you should see the NAAG Capital Forum in the app.

Health and Safety

The health and safety of NAAG Capital Forum attendees is our utmost priority. Based on the latest guidance from the CDC, we ask that all in-person attendees and staff wear a mask or face covering in the event space, except during meals or when speaking on the stage. Face masks and hand sanitizer will be available at NAAG's registration desk. Please note:

- If you are sick or have recently been in contact with someone who is sick or has tested positive for COVID, please stay home.
- If you are unvaccinated, please take a COVID-19 PCR test within 72 hours prior to attending the forum and attend only if you receive a negative test result.
- If you begin experiencing any of these symptoms while on-site, please contact Erin Schechter at eschechter@naag.org.

Additional Information

- Face masks will be available at NAAG's registration desk.
- Hand sanitizer will be available at NAAG's registration desk and throughout the meeting space.
- Signage reminding attendees to wear masks will be placed throughout the meeting space.
- Seating will be distanced as much as possible.

Weather

View the Agenda | Attendee List

Contact Us
1850 M Street NW, 12th floor
Washington DC 20036
Tel 202-326-6000
support@naag.org

Unsubscribe

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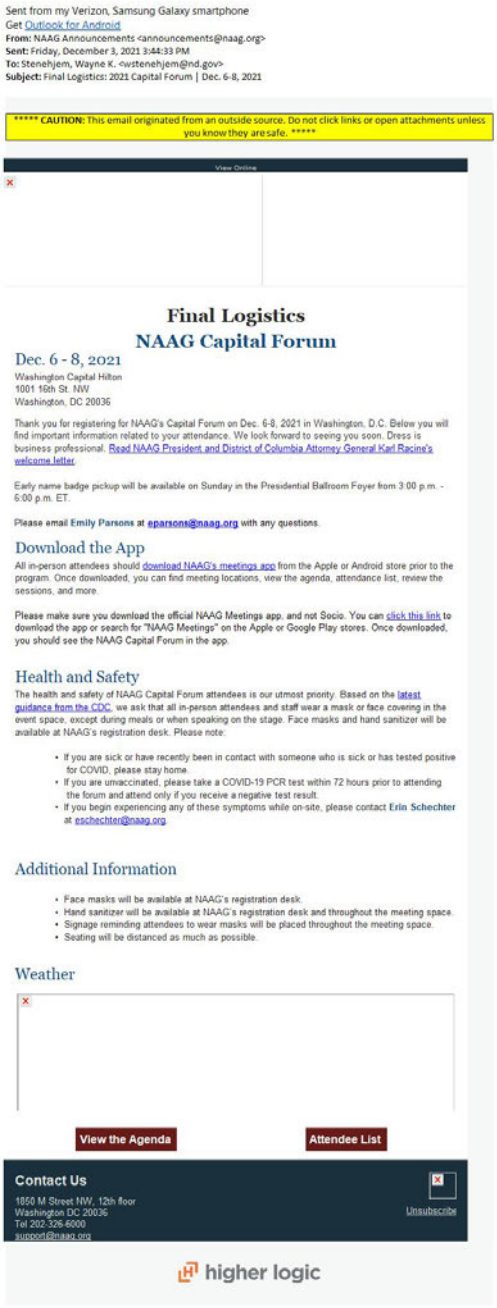
Record 1543

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: Final Logistics: 2021 Capital Forum | Dec. 6-8, 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:49:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:49:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 9:49:33.000 PM
Body	

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: NAAG Announcements <announcements@naag.org>
Sent: Friday, December 3, 2021 3:44:33 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Final Logistics: 2021 Capital Forum | Dec. 6-8, 2021

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View Online

Final Logistics
NAAG Capital Forum

Dec. 6 - 8, 2021

Washington Capital Hilton
1001 16th St. NW
Washington, DC 20036

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- If you are unvaccinated, please take a COVID-19 PCR test within 72 hours prior to attending the forum and attend only if you receive a negative test result.
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Weather

View the Agenda | Attendee List

Contact Us
1850 M Street NW, 12th floor
Washington DC 20036
Tel 202-326-6000
support@naag.org

Unsubscribe

higher logic

Record 1544

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jstahl@csg.org
Subject	Re: Committee Reminder - 2021 CSG National Conference

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 10:14:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 10:14:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 10:14:52.000 PM
Body	Thank you for the reminder. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Julie Stahl <jstahl@csg.org> **Sent:** Friday, December 3, 2021 4:03:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Committee Reminder - 2021 CSG National Conference ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorney General Stenehjem, Thank you for joining us this week at the 2021 CSG National Conference! This is a friendly reminder that you serve on the Executive Committee; 1-4 pm, Dec. 4, Eldorado Ballroom A at the Eldorado Hotel. All the best, Julie **Julie Stahl** *(she/her)* Membership Coordinator The Council of State Governments 1776 Avenue of the States Lexington, KY 40511 O: (859) 244-8045 C: (859) 421-4992
Attachments	image003[13868].jpg

Record 1545

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jstahl@csg.org
Subject	Re: Committee Reminder - 2021 CSG National Conference
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 10:14:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 10:14:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/3/2021 10:14:52.000 PM

Body	Thank you for the reminder. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Julie Stahl <jstahl@csg.org> **Sent:** Friday, December 3, 2021 4:03:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Committee Reminder - 2021 CSG National Conference ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorney General Stenehjem, Thank you for joining us this week at the 2021 CSG National Conference! This is a friendly reminder that you serve on the Executive Committee; 1-4 pm, Dec. 4, Eldorado Ballroom A at the Eldorado Hotel. All the best, Julie **Julie Stahl** *(she/her)* Membership Coordinator The Council of State Governments 1776 Avenue of the States Lexington, KY 40511 O: (859) 244-8045 C: (859) 421-4992
Attachments	image003[10182].jpg

Record 1546

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	laurie.kocarnik@nebraska.gov
Subject	RE: Shared Hope
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/4/2021 12:53:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/4/2021 12:53:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/4/2021 12:53:00.000 PM

Body	I certainly agree with all you have written, Doug. In North Dakota we worked hard to collaborate with all the stakeholders to address the problem of human trafficking. We too had a low grade from this group and came up with a comprehensive legislative strategy to address the concerns at that time. I coordinated a legislative response, arranged rare joint Senate/House committee hearings on our legislation, achieved significant state funding for our Human Trafficking Task Force ad programs, trained law enforcement on the new laws, and so much more. We moved to the top of these ratings and are proud of all we have accomplished. Now I see that we have had the goal posts moved, and are somehow back at the bottom of the grades. I would think Shared Hope would have engaged in a collaborative way with us, instead of dropping most of the nation to F grades, and not recognizing the strides we have made. Let me know what you think we can do. Wayne **From:** Kocarnik, Laurie <laurie.kocarnik@nebraska.gov> **Sent:** Friday, December 3, 2021 4:04 PM **To:** djp1977 <djp1977@nebraska.gov> **Subject:** Shared Hope ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** December 3, 2021 Dear Fellow Attorney General: Just before I took office seven years ago, the State of Nebraska had been given a grade of "D" by Shared Hope as to the state's efforts to fight human trafficking. This grade provided a challenge for our office, the Governor, and our state legislators to improve understanding of how law enforcement views victims, how the law provides and protects victims, and our ability to prosecute perpetrators. Fast forward to 2019 and Nebraska was recognized with a grade of "A-" because many new laws had been put in place as tools to allow us to prosecute sex traffickers. We also did substantial training and education about human trafficking across the state. In spite of significantly improvements in our state's response to human trafficking, recently, we learned that Nebraska has dropped to a grade of "F" under Shared Hope's new standards. We are joined by 48 other states in receiving failing or near failing grades. This gives a false impression of the work we have done and undoubtedly the significant work done by your office as well. Share Hope's new system only looks at state laws. This fails to recognize what is already being done through regulations or is the consistent practice of states. Yet, without meeting the required checklist of laws, a state will receive a failing grade. This gives a false impression that **49 states are failing or nearly failing** in our battle against sex trafficking. We did provide feedback to Shared Hope during the drafting process of new standards and yet the problematic parts remain. Shared Hope's new list of recommended laws contains suggestions that are not advisable and in some cases are unconstitutional. I'm very concerned that Shared Hope has taken this approach. If you are interested in addressing this issue with me to the leadership of Shared Hope, please let me know. Sincerely, Douglas J. Peterson Nebraska Attorney General -
CC	tseibel@nd.gov, lbrocker@nd.gov
Attachments	image001[13526].jpg, image002[13527].png

Record 1547

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	laurie.kocarnik@nebraska.gov
Subject	RE: Shared Hope
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/4/2021 12:53:11.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/4/2021 12:53:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/4/2021 12:53:00.000 PM

Body	I certainly agree with all you have written, Doug. In North Dakota we worked hard to collaborate with all the stakeholders to address the problem of human trafficking. We too had a low grade from this group and came up with a comprehensive legislative strategy to address the concerns at that time. I coordinated a legislative response, arranged rare joint Senate/House committee hearings on our legislation, achieved significant state funding for our Human Trafficking Task Force ad programs, trained law enforcement on the new laws, and so much more. We moved to the top of these ratings and are proud of all we have accomplished. Now I see that we have had the goal posts moved, and are somehow back at the bottom of the grades. I would think Shared Hope would have engaged in a collaborative way with us, instead of dropping most of the nation to F grades, and not recognizing the strides we have made. Let me know what you think we can do. Wayne **From:** Kocarnik, Laurie <laurie.kocarnik@nebraska.gov> **Sent:** Friday, December 3, 2021 4:04 PM **To:** djp1977 <djp1977@nebraska.gov> **Subject:** Shared Hope ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** December 3, 2021 Dear Fellow Attorney General: Just before I took office seven years ago, the State of Nebraska had been given a grade of "D" by Shared Hope as to the state's efforts to fight human trafficking. This grade provided a challenge for our office, the Governor, and our state legislators to improve understanding of how law enforcement views victims, how the law provides and protects victims, and our ability to prosecute perpetrators. Fast forward to 2019 and Nebraska was recognized with a grade of "A-" because many new laws had been put in place as tools to allow us to prosecute sex traffickers. We also did substantial training and education about human trafficking across the state. In spite of significantly improvements in our state's response to human trafficking, recently, we learned that Nebraska has dropped to a grade of "F" under Shared Hope's new standards. We are joined by 48 other states in receiving failing or near failing grades. This gives a false impression of the work we have done and undoubtedly the significant work done by your office as well. Share Hope's new system only looks at state laws. This fails to recognize what is already being done through regulations or is the consistent practice of states. Yet, without meeting the required checklist of laws, a state will receive a failing grade. This gives a false impression that **49 states are failing or nearly failing** in our battle against sex trafficking. We did provide feedback to Shared Hope during the drafting process of new standards and yet the problematic parts remain. Shared Hope's new list of recommended laws contains suggestions that are not advisable and in some cases are unconstitutional. I'm very concerned that Shared Hope has taken this approach. If you are interested in addressing this issue with me to the leadership of Shared Hope, please let me know. Sincerely, Douglas J. Peterson Nebraska Attorney General -
CC	tseibel@nd.gov, lbrocker@nd.gov
Attachments	image001[10183].jpg, image002[10184].png

Record 1548

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ctoth@naag.org
Subject	RE: Retirement from NAAG
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:20:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:20:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:20:00.000 AM

Body	Thank you, Chris, for your service, both to our country and to NAAG. I wish you the best in your future path! Wayne **From:** Chris Toth <ctoth@naag.org> **Sent:** Monday, December 6, 2021 10:14 AM **To:** Chris Toth <ctoth@naag.org> **Subject:** Retirement from NAAG ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Generals, Earlier this morning, I notified the NAAG Executive Committee of my decision to retire from NAAG in 2022. This is my second, and last, retirement, the first being from the U.S. military. Like my military career, it has been my privilege to serve America's attorneys general over the past 18 years. I want to thank the Executive Committee for its support and plan to assist in its search for a successor. Over the coming months, I look forward to catching up with each of you before I leave. Until then, I will continue to focus on supporting the bipartisan work of attorneys general and making NAAG the best organization it can be. V/r, Chris **Chris Toth** **Executive Director** National Association of Attorneys General 1850 M Street, NW, 12th Floor Washington, DC 20036 202.326.6021 office ctoth@naag.org www.naag.org
Attachments	image001[15597].png, image002[15598].png, image003[15599].png

Record 1549

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ctoth@naag.org
Subject	RE: Retirement from NAAG
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:20:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:20:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:20:00.000 AM

Body	Thank you, Chris, for your service, both to our country and to NAAG. I wish you the best in your future path! Wayne **From:** Chris Toth <ctoth@naag.org> **Sent:** Monday, December 6, 2021 10:14 AM **To:** Chris Toth <ctoth@naag.org> **Subject:** Retirement from NAAG ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Generals, Earlier this morning, I notified the NAAG Executive Committee of my decision to retire from NAAG in 2022. This is my second, and last, retirement, the first being from the U.S. military. Like my military career, it has been my privilege to serve America's attorneys general over the past 18 years. I want to thank the Executive Committee for its support and plan to assist in its search for a successor. Over the coming months, I look forward to catching up with each of you before I leave. Until then, I will continue to focus on supporting the bipartisan work of attorneys general and making NAAG the best organization it can be. V/r, Chris **Chris Toth** **Executive Director** National Association of Attorneys General 1850 M Street, NW, 12th Floor Washington, DC 20036 202.326.6021 office ctoth@naag.org www.naag.org
Attachments	image001[10233].png, image002[10234].png, image003[10235].png

Record 1550

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	RE: LAFRC
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:48:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:48:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:48:00.000 AM

Body	Wonderful. I want to be there in person Wayne **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Monday, December 6, 2021 10:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Gerding, Tasha A. <tgerding@nd.gov>; Quinn, Robyn <rquinn@nd.gov> **Subject:** FW: LAFRC We have been removed from the LAFRC agenda on Wednesday. **From:** Kadrmas, Chris J. <cjkadrmas@nd.gov> **Sent:** Monday, December 6, 2021 10:41 AM **To:** Keller, Becky J. <bekeller@nd.gov> **Subject:** Re: LAFRC Yes it was removed. Chris Kadrmas, CPA Senior Fiscal Analyst ND Legislative Council (701) 328-3568 cjkadrmas@nd.gov **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Monday, December 6, 2021 8:34:58 AM **To:** Kadrmas, Chris J. <cjkadrmas@nd.gov> **Subject:** LAFRC Good morning. Did Senator Klein talk to you about taking the Attorney General off the Wednesday LAFRC schedule and putting us on the next meeting? Wayne will be out of the office this week. Wayne visited with Senator Klein and he said he would try to contact you. Thanks, BK

Record 1551

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	RE: LAFRC
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:48:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:48:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 10:48:00.000 AM

Body	Wonderful. I want to be there in person Wayne **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Monday, December 6, 2021 10:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Gerding, Tasha A. <tgerding@nd.gov>; Quinn, Robyn <rquinn@nd.gov> **Subject:** FW: LAFRC We have been removed from the LAFRC agenda on Wednesday. **From:** Kadrmas, Chris J. <cjkadrmas@nd.gov> **Sent:** Monday, December 6, 2021 10:41 AM **To:** Keller, Becky J. <bekeller@nd.gov> **Subject:** Re: LAFRC Yes it was removed. Chris Kadrmas, CPA Senior Fiscal Analyst ND Legislative Council (701) 328-3568 cjkadrmas@nd.gov **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Monday, December 6, 2021 8:34:58 AM **To:** Kadrmas, Chris J. <cjkadrmas@nd.gov> **Subject:** LAFRC Good morning. Did Senator Klein talk to you about taking the Attorney General off the Wednesday LAFRC schedule and putting us on the next meeting? Wayne will be out of the office this week. Wayne visited with Senator Klein and he said he would try to contact you. Thanks, BK

Record 1552

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 3:51:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 3:51:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 3:51:21.000 PM
Body	Is all good in ND? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1553

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 3:51:01.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 3:51:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 3:51:21.000 PM
Body	Is all good in ND? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1554

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Fwd: Acute Psychiatric Treatment Committee Meeting Presentation - 1/20/2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 6:20:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 6:20:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 6:20:53.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Kinnischtzke, Levi <lkinnischtzke@nd.gov> **Sent:** Monday, December 6, 2021 5:48:25 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Acute Psychiatric Treatment Committee Meeting Presentation - 1/20/2022 Mr. Stenehjem, Representative Jon O. Nelson, Chairman, has called a meeting of the Legislative Management's Acute Psychiatric Treatment Committee for Thursday, January 20, 2022, beginning at 9:00 a.m. in the Harvest Room of the State Capitol. Presenters are expected to present in person in the committee room. Chairman Nelson asks that you or your representative arrange for a presentation from 1:00 p.m. to 1:15 p.m. regarding the Attorney General's office involvement with occupational boards providing mental and behavioral health services and similarities and differences of licensing and reciprocity requirements. Please submit an electronic copy of your presentation to me at lkinnischtzke@nd.gov by 9:00 a.m. Wednesday, January 19, 2022, so we may attach your presentation to the committee's online meeting agenda for use by committee members and members of the public. The meeting agenda will be posted to the committee's 2021□22 interim webpage. Please contact me if you have any questions regarding the meeting. Thank you. **Levi Kinnischtzke, CPA** Senior Fiscal Analyst North Dakota Legislative Council (701)-328-3694 lkinnischtzke@nd.gov

Record 1555

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Fwd: Acute Psychiatric Treatment Committee Meeting Presentation - 1/20/2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 6:20:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 6:20:52.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 6:20:53.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Kinnischtzke, Levi <lkinnischtzke@nd.gov> **Sent:** Monday, December 6, 2021 5:48:25 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Acute Psychiatric Treatment Committee Meeting Presentation - 1/20/2022 Mr. Stenehjem, Representative Jon O. Nelson, Chairman, has called a meeting of the Legislative Management's Acute Psychiatric Treatment Committee for Thursday, January 20, 2022, beginning at 9:00 a.m. in the Harvest Room of the State Capitol. Presenters are expected to present in person in the committee room. Chairman Nelson asks that you or your representative arrange for a presentation from 1:00 p.m. to 1:15 p.m. regarding the Attorney General's office involvement with occupational boards providing mental and behavioral health services and similarities and differences of licensing and reciprocity requirements. Please submit an electronic copy of your presentation to me at lkinnischtzke@nd.gov by 9:00 a.m. Wednesday, January 19, 2022, so we may attach your presentation to the committee's online meeting agenda for use by committee members and members of the public. The meeting agenda will be posted to the committee's 2021□22 interim webpage. Please contact me if you have any questions regarding the meeting. Thank you. **Levi Kinnischtzke, CPA** Senior Fiscal Analyst North Dakota Legislative Council (701)-328-3694 lkinnischtzke@nd.gov

Record 1556

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov
Subject	RE: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 9:34:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 9:34:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 9:34:00.000 PM

Body

§44-04-19.1

Thanks, Paul.
Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Monday, December 6, 2021 10:52 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Thanks

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Wednesday, December 1, 2021 10:13 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>
Subject: FW: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Wednesday, December 1, 2021 10:08 AM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>
Subject: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

Jane and Ian -

§44-04-19.1

Thank you

Paul M. Seby
Tel 303.572.6584

Body	From: ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> Sent: Tuesday, November 23, 2021 1:51 PM To: CourtMail@ndd.uscourts.gov Subject: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Motion for Leave to File *EXTERNAL TO GT* §44-04-19.1 [redacted] If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1557

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov
Subject	RE: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 9:34:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 9:34:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/6/2021 9:34:00.000 PM

Body

§44-04-19.1

Thanks, Paul.
Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Monday, December 6, 2021 10:52 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Thanks

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Wednesday, December 1, 2021 10:13 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>
Subject: FW: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

Paul M. Seby
Tel 303.572.6584

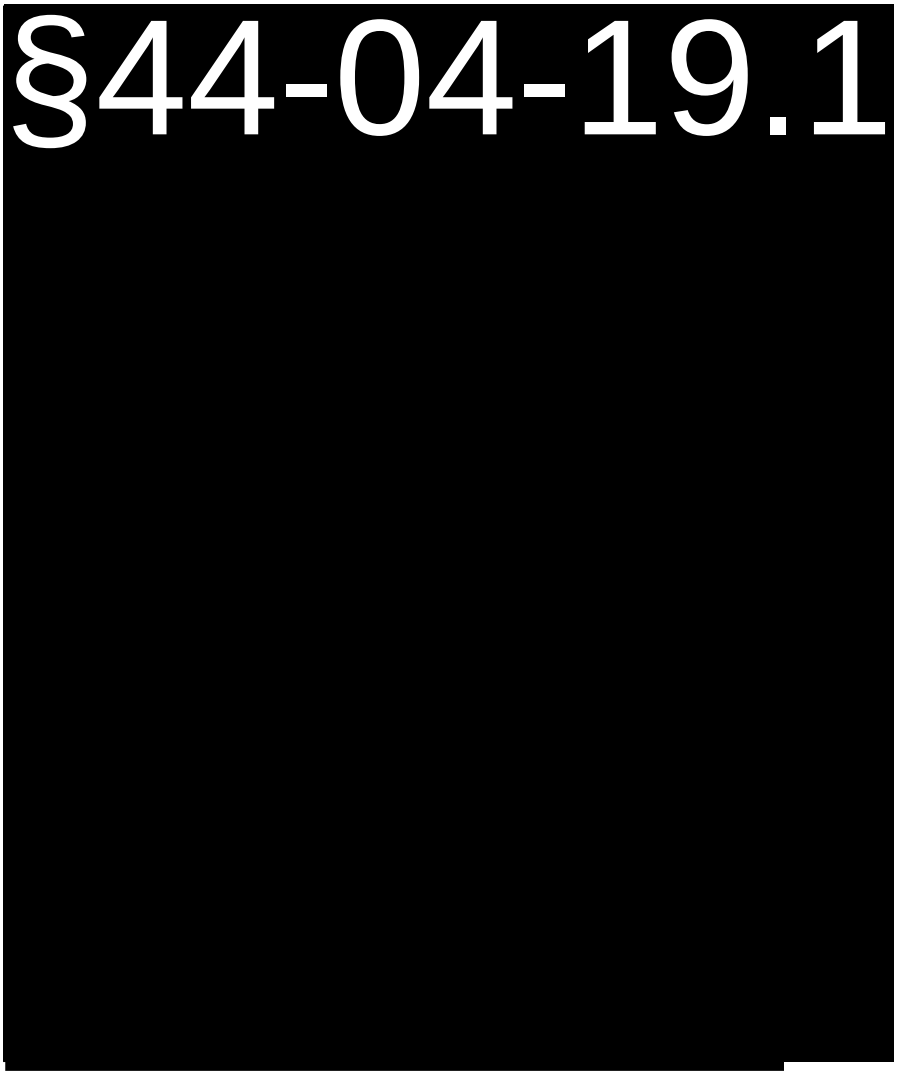
From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Wednesday, December 1, 2021 10:08 AM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>
Subject: Case 1:19-cv-00150-North Dakota, State of v. United States of America Motion for Leave to File

Jane and Ian -

§44-04-19.1

Thank you

Paul M. Seby
Tel 303.572.6584

Body	From: ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> Sent: Tuesday, November 23, 2021 1:51 PM To: CourtMail@ndd.uscourts.gov Subject: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Motion for Leave to File *EXTERNAL TO GT*  If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1558

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 9:53:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 9:53:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 9:53:27.000 AM

Body

Thanks Parrell

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Tuesday, December 7, 2021 10:34:14 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Get Outlook for iOS
From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Tuesday, December 7, 2021 10:21:04 AM
To: Schwarz, Justin J. <JJSCHWARZ@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: Re: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Thank you very much for letting me know. Our involvement is now concluded and I want to thank you very much for your prosecution in this case. I know how busy you are and your attention to this matter is greatly appreciated!

Get Outlook for iOS
From: Schwarz, Justin J. <JJSCHWARZ@nd.gov>
Sent: Tuesday, December 7, 2021 10:04:48 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: RE: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

The recommendation sent was for 360 days, all suspended for 2 years on each count.
$325 court fees, fingerprinting, 20 hours community service on each count & any restitution owing.

Justin

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Monday, December 6, 2021 4:13 PM
To: Schwarz, Justin J. <JJSCHWARZ@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: Re: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Thank you. I understand your procedure. However, for our purposes it seems useless if not provided to the Court. Therefore, I likely will send it to the Court. On the other hand, it might be unnecessary if you are able to share the written plea agreement with us. Are you willing to do so?

Get Outlook for iOS

From: Schwarz, Justin J. <JJSCHWARZ@nd.gov>
Sent: Monday, December 6, 2021 5:03:30 PM
To: Grossman, Parrell D. <pgrossman@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: RE: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Mr. Grossman:
Our office was in receipt of the attached documentation. Such was included in our file & provided in discovery. It was not filed with the Court, as we would only file the victim impact statements that were received from the victims in this case. We did file the one we did receive from victim Eric Mayer.
As of now, the matter is set to be resolved by written plea agreement. So there won't be any further hearings at this time.

Justin Schwarz

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Friday, December 3, 2021 3:41 PM
To: Wanner, Heather J. <hwanner@nd.gov>; Schwarz, Justin J. <JJSCHWARZ@nd.gov>
Subject: FW: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Ms. Wanner and Mr. Schwarz:

With the trial being cancelled it looks like the State's Attorney has reached or will be reaching a plea agreement, unless it will be an open plea.

Body	In looking at the docket it does not appear that my attached April 21 Victim Impact Statement has been filed. I think I recall that Ms. Wanner provides it to Mr. Schwarz and that you will submit it to the Court at the appropriate time. Since I don't know the process and when the statement will be submitted to the Court will someone please advise me now how or when this will occur? I suppose another option would be for me to appear at the sentencing? Mr. Schwarz, if you have some idea how you I intend to resolve this matter or what your recommendation will be and you are willing to discuss or share it with me, perhaps my statement and any additional involvement on my part will be moot or not necessary. Thank you. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Grossman, Parrell D. **Sent:** Wednesday, April 21, 2021 5:09 PM **To:** Wanner, Heather J. <hwanner@nd.gov> **Subject:** Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625 Ms. Wanner; Attached for filing with your Office is a Victim Impact Statement in this matter. Thank you. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General Gateway Professional Center 1050 East Interstate Ave. Ste. 200 Bismarck, ND 58503-5574 (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov

Record 1559

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 9:53:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 9:53:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 9:53:27.000 AM

Body

Thanks Parrell

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Tuesday, December 7, 2021 10:34:14 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Get Outlook for iOS
From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Tuesday, December 7, 2021 10:21:04 AM
To: Schwarz, Justin J. <JJSCHWARZ@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: Re: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Thank you very much for letting me know. Our involvement is now concluded and I want to thank you very much for your prosecution in this case. I know how busy you are and your attention to this matter is greatly appreciated!

Get Outlook for iOS
From: Schwarz, Justin J. <JJSCHWARZ@nd.gov>
Sent: Tuesday, December 7, 2021 10:04:48 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: RE: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

The recommendation sent was for 360 days, all suspended for 2 years on each count.
$325 court fees, fingerprinting, 20 hours community service on each count & any restitution owing.

Justin

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Monday, December 6, 2021 4:13 PM
To: Schwarz, Justin J. <JJSCHWARZ@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: Re: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Thank you. I understand your procedure. However, for our purposes it seems useless if not provided to the Court. Therefore, I likely will send it to the Court. On the other hand, it might be unnecessary if you are able to share the written plea agreement with us. Are you willing to do so?

Get Outlook for iOS

From: Schwarz, Justin J. <JJSCHWARZ@nd.gov>
Sent: Monday, December 6, 2021 5:03:30 PM
To: Grossman, Parrell D. <pgrossman@nd.gov>; Wanner, Heather J. <hwanner@nd.gov>
Subject: RE: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Mr. Grossman:
Our office was in receipt of the attached documentation. Such was included in our file & provided in discovery. It was not filed with the Court, as we would only file the victim impact statements that were received from the victims in this case. We did file the one we did receive from victim Eric Mayer.
As of now, the matter is set to be resolved by written plea agreement. So there won't be any further hearings at this time.

Justin Schwarz

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Friday, December 3, 2021 3:41 PM
To: Wanner, Heather J. <hwanner@nd.gov>; Schwarz, Justin J. <JJSCHWARZ@nd.gov>
Subject: FW: Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625

Ms. Wanner and Mr. Schwarz:

With the trial being cancelled it looks like the State's Attorney has reached or will be reaching a plea agreement, unless it will be an open plea.

Body	In looking at the docket it does not appear that my attached April 21 Victim Impact Statement has been filed. I think I recall that Ms. Wanner provides it to Mr. Schwarz and that you will submit it to the Court at the appropriate time. Since I don't know the process and when the statement will be submitted to the Court will someone please advise me now how or when this will occur? I suppose another option would be for me to appear at the sentencing? Mr. Schwarz, if you have some idea how you I intend to resolve this matter or what your recommendation will be and you are willing to discuss or share it with me, perhaps my statement and any additional involvement on my part will be moot or not necessary. Thank you. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Grossman, Parrell D. **Sent:** Wednesday, April 21, 2021 5:09 PM **To:** Wanner, Heather J. <hwanner@nd.gov> **Subject:** Victim Impact Statement State v. Craig Keller--SA #M637-21-02 . 08-2021-CR-625 Ms. Wanner; Attached for filing with your Office is a Victim Impact Statement in this matter. Thank you. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General Gateway Professional Center 1050 East Interstate Ave. Ste. 200 Bismarck, ND 58503-5574 (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov

Record 1560

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, lbrocker@nd.gov
Subject	RE: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:07:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:07:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:07:00.000 PM

Body

Well this is great.
Liz, Can you work to get a news release out asap?
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

Get Outlook for iOS

From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>;

Body	'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas < Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James < James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' < krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' < Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' < tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' < RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua < Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	image001[13607].jpg, image002[13608].png, image003[13609].png, image004[13610].png

Record 1561

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, lbrocker@nd.gov
Subject	RE: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:07:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:07:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:07:00.000 PM

Body

Well this is great.
Liz, Can you work to get a news release out asap?
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

Get Outlook for iOS

From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

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From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>;

Body	'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas < Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James < James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' < krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' < Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' < tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' < RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua < Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	image001[10297].jpg, image002[10298].png, image003[10299].png, image004[10300].png

Record 1562

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	nick@thetitleteam.com
Subject	FW: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:09:58.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:10:00.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:09:00.000 PM

Body

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
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Drew

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Atlanta, Georgia 30334

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Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>;

Body	'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	image001[13612].jpg, image002[13613].png, image003[13614].png, image005[13611].png, 16053.pdf

Record 1563

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	nick@thetitleteam.com
Subject	FW: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:09:58.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:10:00.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:09:00.000 PM

Body

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>;

Body	'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	image001[10302].jpg, image002[10303].png, image003[10304].png, image005[10301].png, 12703.pdf

Record 1564

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov, lbrocker@nd.gov
Subject	FW: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:13:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:13:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:13:00.000 PM

Body

Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold
In fact, all 3 federal mandates are on hold under one form of injunction or another.
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>;

Body	'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
CC	tseibel@nd.gov
Attachments	image001[13617].jpg, image002[13618].png, image003[13619].png, image005[13616].png, 16052.pdf

Record 1565

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov, lbrocker@nd.gov
Subject	FW: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:13:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:13:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:13:00.000 PM

Body

Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold
In fact, all 3 federal mandates are on hold under one form of injunction or another.
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Best,
Drew

Drew Waldbeser
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Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>;

Body	'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
CC	tseibel@nd.gov
Attachments	image001[10307].jpg, image002[10308].png, image003[10309].png, image005[10306].png, 12702.pdf

Record 1566

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, mkelsch@nd.gov
Subject	Re: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:32:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:46.000 PM

Body

Note that now all 3 federal vaccine mandates are on one form of injunction or another

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Brocker, Liz <lbrocker@nd.gov>
Sent: Tuesday, December 7, 2021 1:22:59 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Re: Contractor Mandate - DOJ Response to PI/TRO

Will do. Liz

Sent from my phone.
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 7, 2021 12:13:21 PM
To: Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Contractor Mandate - DOJ Response to PI/TRO

Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold.
In fact, all 3 federal mandates are on hold under one form of injunction or another.
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

Get Outlook for iOS

From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM

Body	
CC	tseibel@nd.gov
Attachments	13632.gov, 13633.gov, 13634.gov, 13631.gov

Record 1567

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, mkelsch@nd.gov
Subject	Re: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:32:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:45.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:46.000 PM

Body

Note that now all 3 federal vaccine mandates are on one form of injunction or another

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Brocker, Liz <lbrocker@nd.gov>
Sent: Tuesday, December 7, 2021 1:22:59 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Re: Contractor Mandate - DOJ Response to PI/TRO

Will do. Liz

Sent from my phone.
From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 7, 2021 12:13:21 PM
To: Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Contractor Mandate - DOJ Response to PI/TRO

Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold.
In fact, all 3 federal mandates are on hold under one form of injunction or another.
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

Get Outlook for iOS

From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM

Body	
CC	tseibel@nd.gov
Attachments	image001[10322].jpg, image002[10323].png, image003[10324].png, image005[10321].png

Record 1568

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, maiolson@nd.gov
Subject	Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Cha llenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:50.000 PM

Body	§44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, December 7, 2021 11:00:56 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul On Dec 6, 2021, at 2:50 PM, Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> wrote: Wayne, Matt, and Maggie- §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 <12-6-21 DRAFT Merits Brief ND CPP for North Dakota Review.docx> If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1569

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, maiolson@nd.gov
Subject	Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 12:33:50.000 PM

Body	§44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, December 7, 2021 11:00:56 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul On Dec 6, 2021, at 2:50 PM, Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> wrote: Wayne, Matt, and Maggie- §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 <12-6-21 DRAFT Merits Brief ND CPP for North Dakota Review.docx> If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1570

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	maiolson@nd.gov
Subject	RE: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:26:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:26:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:26:00.000 PM

Body	§44-04-19.1 Wayne From: Olson, Margaret I. <maiolson@nd.gov> Sent: Tuesday, December 7, 2021 1:20 PM To: sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> Subject: RE: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge §44-04-19.1 From: sebyp@gtlaw.com <sebyp@gtlaw.com> Sent: Tuesday, December 7, 2021 1:16 PM To: Stenehjem, Wayne K. <wstenehjem@nd.gov> Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> Subject: Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Dec 7, 2021, at 11:34 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android From: sebyp@gtlaw.com <sebyp@gtlaw.com> Sent: Tuesday, December 7, 2021 11:00:56 AM To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> Cc: Seibel, Troy T. <tseibel@nd.gov> Subject: Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul On Dec 6, 2021, at 2:50 PM, Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> wrote: Wayne, Matt, and Maggie- §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 <12-6-21 DRAFT Merits Brief ND CPP for North Dakota Review.docx> If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1571

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	maiolson@nd.gov
Subject	RE: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Cha llenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:26:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:26:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:26:00.000 PM

Body	§44-04-19.1 Wayne From: Olson, Margaret I. <maiolson@nd.gov> Sent: Tuesday, December 7, 2021 1:20 PM To: sebyp@gtlaw.com; Stenehjem, Wayne K. <wstenehjem@nd.gov> Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> Subject: RE: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge §44-04-19.1 From: sebyp@gtlaw.com <sebyp@gtlaw.com> Sent: Tuesday, December 7, 2021 1:16 PM To: Stenehjem, Wayne K. <wstenehjem@nd.gov> Cc: Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> Subject: Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Dec 7, 2021, at 11:34 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android From: sebyp@gtlaw.com <sebyp@gtlaw.com> Sent: Tuesday, December 7, 2021 11:00:56 AM To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> Cc: Seibel, Troy T. <tseibel@nd.gov> Subject: Re: DRAFT- North Dakota's Opening Merits Brief in the US Supreme Court - CPP/ACE Rule Challenge ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul On Dec 6, 2021, at 2:50 PM, Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> wrote: Wayne, Matt, and Maggie- §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 <12-6-21 DRAFT Merits Brief ND CPP for North Dakota Review.docx> If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1572

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:28:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:28:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:28:00.000 PM

Body

Work this line from the court into the release, please:
As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are."

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Tuesday, December 7, 2021 12:23 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Re: Contractor Mandate - DOJ Response to PI/TRO

Will do. Liz

Sent from my phone.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 7, 2021 12:13:21 PM
To: Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Contractor Mandate - DOJ Response to PI/TRO

Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold
In fact, all 3 federal mandates are on hold under one form of injunction or another.
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM

Body	
Attachments	image001[13635].jpg, image002[13636].png, image003[13637].png, image004[13638].png

Record 1573

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:28:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:28:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:28:00.000 PM

Body

Work this line from the court into the release, please:
As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are."

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Tuesday, December 7, 2021 12:23 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Re: Contractor Mandate - DOJ Response to PI/TRO

Will do. Liz

Sent from my phone.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 7, 2021 12:13:21 PM
To: Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Contractor Mandate - DOJ Response to PI/TRO

Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold
In fact, all 3 federal mandates are on hold under one form of injunction or another.
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM

Body	
Attachments	image001[10325].jpg, image002[10326].png, image003[10327].png, image004[10328].png

Record 1574

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Subject	Re: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:51:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:54:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:54:56.000 PM

Body	Change my first quote to: "The Biden administration has yet again exceeded its authority in apparent disregard of the Constitution and the rule of law." Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 7, 2021 2:46:24 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Contractor Mandate - DOJ Response to PI/TRO Looks good to me. Only thing is judge should be capitalized in the first sentence. Get Outlook for iOS **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 2:43:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO DRAFT STATEMENT OF ATTORNEY GENERAL STENEHJEM IN RESPONSE TO NATIONWIDE SUSPENSION OF FEDERAL CONTRACTOR MANDATE Earlier today, federal district court judge R. Stan Baker in Georgia issued a nationwide preliminary injunction suspending the federal contractor vaccine mandate. Judge Baker ruled against the Biden Administration, finding that the vaccine mandate in Executive Order 14042 violated the Procurement Act. "The Biden Administration took a heavy-handed approach in its effort to bring the vaccine-hesitant to heel, and in doing so, exceeded its authority, yet again," said Attorney General Wayne Stenehjem. In his Order, Judge Baker stated "As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are. … However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities." Stenehjem noted that, with Judge Baker's order, federal courts have now enjoined the three most invasive federal vaccine mandates. "I will continue to work with Attorneys General across the nation to protect the citizens of North Dakota from federal overreach." ### **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 7, 2021 1:28 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO Work this line from the court into the release, please: As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are." **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 12:23 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Contractor Mandate - DOJ Response to PI/TRO Will do. Liz Sent from my phone. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 7, 2021 12:13:21 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Contractor Mandate - DOJ Response to PI/TRO Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold In fact, all 3 federal mandates are on hold under one form of injunction or another. Wayne **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 7, 2021 12:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Fwd: Contractor Mandate - DOJ Response to PI/TRO

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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <Jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <

Body	dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	13647.gov, 13648.gov, 13649.gov, 13650.gov

Record 1575

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Subject	Re: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:51:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:54:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:54:56.000 PM

Body	Change my first quote to: "The Biden administration has yet again exceeded its authority in apparent disregard of the Constitution and the rule of law." Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 7, 2021 2:46:24 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Contractor Mandate - DOJ Response to PI/TRO Looks good to me. Only thing is judge should be capitalized in the first sentence. Get Outlook for iOS **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 2:43:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO DRAFT STATEMENT OF ATTORNEY GENERAL STENEHJEM IN RESPONSE TO NATIONWIDE SUSPENSION OF FEDERAL CONTRACTOR MANDATE Earlier today, federal district court judge R. Stan Baker in Georgia issued a nationwide preliminary injunction suspending the federal contractor vaccine mandate. Judge Baker ruled against the Biden Administration, finding that the vaccine mandate in Executive Order 14042 violated the Procurement Act. "The Biden Administration took a heavy-handed approach in its effort to bring the vaccine-hesitant to heel, and in doing so, exceeded its authority, yet again," said Attorney General Wayne Stenehjem. In his Order, Judge Baker stated "As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are. … However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities." Stenehjem noted that, with Judge Baker's order, federal courts have now enjoined the three most invasive federal vaccine mandates. "I will continue to work with Attorneys General across the nation to protect the citizens of North Dakota from federal overreach." ### **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 7, 2021 1:28 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO Work this line from the court into the release, please: As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are." **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 12:23 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Contractor Mandate - DOJ Response to PI/TRO Will do. Liz Sent from my phone. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 7, 2021 12:13:21 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Contractor Mandate - DOJ Response to PI/TRO Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold In fact, all 3 federal mandates are on hold under one form of injunction or another. Wayne **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 7, 2021 12:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Fwd: Contractor Mandate - DOJ Response to PI/TRO

Body

Get Outlook for iOS

From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <Jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

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Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser

Deputy Solicitor General

Office of the Attorney General Chris Carr

Solicitor General Unit

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Georgia Department of Law

40 Capitol Square SW

Atlanta, Georgia 30334

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Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <

Body	dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' <tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	image001[10337].jpg, image002[10338].png, image003[10339].png, image004[10340].png

Record 1576

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:58:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:58:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:58:51.000 PM

Body	Yes,go ahead Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 2:56:50 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO Done. Okay to send out as corrected? Liz Bismarck, ND - Earlier today, federal district court Judge R. Stan Baker in Georgia issued a nationwide preliminary injunction suspending the federal contractor vaccine mandate. Judge Baker ruled against the Biden Administration, finding that the vaccine mandate in Executive Order 14042 violated the Procurement Act. "The Biden administration has yet again exceeded its authority in apparent disregard of the Constitution and the rule of law," said Attorney General Wayne Stenehjem. In his Order, Judge Baker stated "As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are. ... However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities." Stenehjem noted that, with Judge Baker's order, federal courts have now enjoined the three most invasive federal vaccine mandates. "I will continue to work with Attorneys General across the nation to protect the citizens of North Dakota from federal overreach." --- **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 7, 2021 1:55 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Contractor Mandate - DOJ Response to PI/TRO Change my first quote to: "The Biden administration has yet again exceeded its authority in apparent disregard of the Constitution and the rule of law." Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android --- **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 7, 2021 2:46:24 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Contractor Mandate - DOJ Response to PI/TRO Looks good to me. Only thing is judge should be capitalized in the first sentence. Get Outlook for iOS --- **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 2:43:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO DRAFT STATEMENT OF ATTORNEY GENERAL STENEHJEM IN RESPONSE TO NATIONWIDE SUSPENSION OF FEDERAL CONTRACTOR MANDATE Earlier today, federal district court judge R. Stan Baker in Georgia issued a nationwide preliminary injunction suspending the federal contractor vaccine mandate. Judge Baker ruled against the Biden Administration, finding that the vaccine mandate in Executive Order 14042 violated the Procurement Act. "The Biden Administration took a heavy-handed approach in its effort to bring the vaccine-hesitant to heel, and in doing so, exceeded its authority, yet again," said Attorney General Wayne Stenehjem. In his Order, Judge Baker stated "As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are. ... However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities." Stenehjem noted that, with Judge Baker's order, federal courts have now enjoined the three most invasive federal vaccine mandates. "I will continue to work with Attorneys General across the nation to protect the citizens of North Dakota from federal overreach." # # # --- **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 7, 2021 1:28 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO Work this line from the court into the release, please: As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are." --- **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 12:23 PM

Body

To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Re: Contractor Mandate - DOJ Response to PI/TRO

Will do. Liz

Sent from my phone.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 7, 2021 12:13:21 PM
To: Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Contractor Mandate - DOJ Response to PI/TRO

Can you work with Liz, Eric and other client agencies who were worried about this mandate that it [the contractor mandate] is now on hold
In fact, all 3 federal mandates are on hold under one form of injunction or another.
Wayne

From: Seibel, Troy T. <tseibel@nd.gov>
Sent: Tuesday, December 7, 2021 12:04 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Fwd: Contractor Mandate - DOJ Response to PI/TRO

Get Outlook for iOS

From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

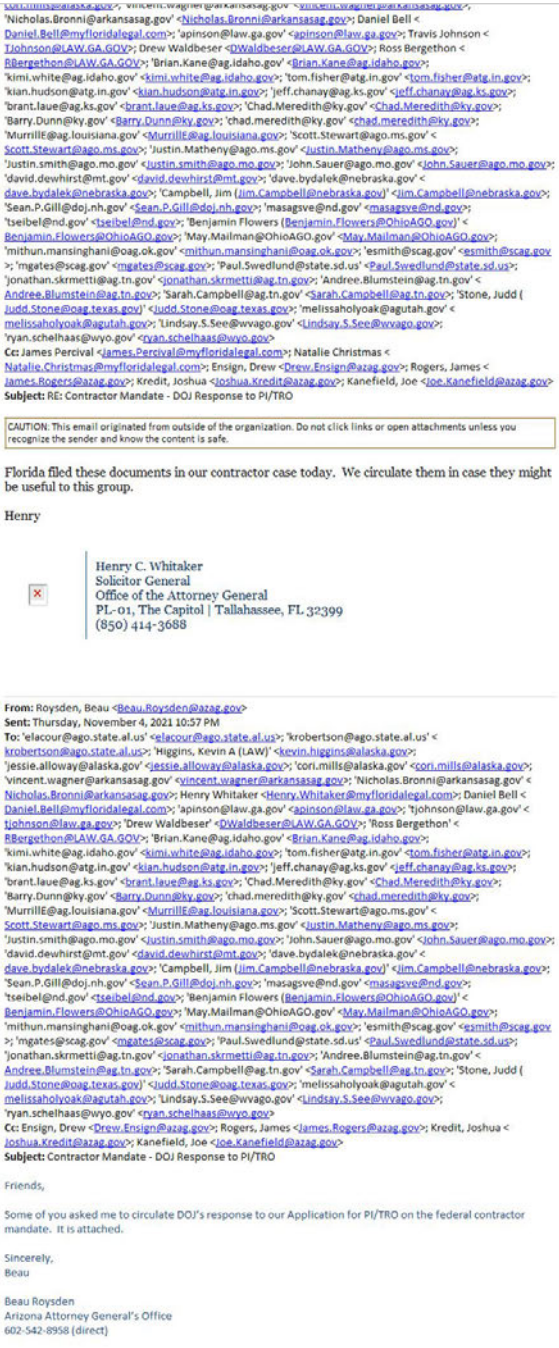
Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <

Body	
Attachments	13655.gov, 13656.gov, 13657.gov, 13658.gov

Record 1577

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Contractor Mandate - DOJ Response to PI/TRO
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:58:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 1:58:51.000 PM
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From: Drew Waldbeser <DWaldbeser@LAW.GA.GOV>
Sent: Tuesday, December 7, 2021 12:45:48 PM
To: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; Travis Johnson <TJohnson@LAW.GA.GOV>; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' <Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' <dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' <Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov>; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' <Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' <melissaholyoak@agutah.gov>; 'Lindsay.S.See@wyago.gov' <Lindsay.S.See@wyago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>
Cc: James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas <Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>
Subject: RE: Contractor Mandate - DOJ Response to PI/TRO

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Friends,

Judge Baker just issued a nationwide injunction in our federal contractor mandate case. We're still reviewing, but wanted to make you aware. Also, I'm adding Georgia's new SG, Stephen Petrany, to this chain.

Best,
Drew

Drew Waldbeser
Deputy Solicitor General
Office of the Attorney General Chris Carr
Solicitor General Unit
(404) 458-3378
DWaldbeser@LAW.GA.GOV
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>
Sent: Monday, November 29, 2021 11:43 PM
To: Roysden, Beau <Beau.Roysden@azag.gov>; 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' <krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <

Body	'Nicholas.Bronni@arkansasag.gov' <Nicholas.Bronni@arkansasag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; Travis Johnson < TJohnson@LAW.GA.GOV>; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Ross Bergethon < RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** James Percival <James.Percival@myfloridalegal.com>; Natalie Christmas < Natalie.Christmas@myfloridalegal.com>; Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James < James.Rogers@azag.gov>; Kredit, Joshua <Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** RE: Contractor Mandate - DOJ Response to PI/TRO CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Florida filed these documents in our contractor case today. We circulate them in case they might be useful to this group. Henry Henry C. Whitaker Solicitor General Office of the Attorney General PL-01, The Capitol | Tallahassee, FL 32399 (850) 414-3688 **From:** Roysden, Beau <Beau.Roysden@azag.gov> **Sent:** Thursday, November 4, 2021 10:57 PM **To:** 'elacour@ago.state.al.us' <elacour@ago.state.al.us>; 'krobertson@ago.state.al.us' < krobertson@ago.state.al.us>; 'Higgins, Kevin A (LAW)' <kevin.higgins@alaska.gov>; 'jessie.alloway@alaska.gov' <jessie.alloway@alaska.gov>; 'cori.mills@alaska.gov' <cori.mills@alaska.gov>; 'vincent.wagner@arkansasag.gov' <vincent.wagner@arkansasag.gov>; 'Nicholas.Bronni@arkansasag.gov' < Nicholas.Bronni@arkansasag.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; 'apinson@law.ga.gov' <apinson@law.ga.gov>; 'tjohnson@law.ga.gov' < tjohnson@law.ga.gov>; 'Drew Waldbeser' <DWaldbeser@LAW.GA.GOV>; 'Ross Bergethon' < RBergethon@LAW.GA.GOV>; 'Brian.Kane@ag.idaho.gov' <Brian.Kane@ag.idaho.gov>; 'kimi.white@ag.idaho.gov' <kimi.white@ag.idaho.gov>; 'tom.fisher@atg.in.gov' <tom.fisher@atg.in.gov>; 'kian.hudson@atg.in.gov' <kian.hudson@atg.in.gov>; 'jeff.chanay@ag.ks.gov' <jeff.chanay@ag.ks.gov>; 'brant.laue@ag.ks.gov' <brant.laue@ag.ks.gov>; 'Chad.Meredith@ky.gov' <Chad.Meredith@ky.gov>; 'Barry.Dunn@ky.gov' <Barry.Dunn@ky.gov>; 'chad.meredith@ky.gov' <chad.meredith@ky.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; 'Scott.Stewart@ago.ms.gov' < Scott.Stewart@ago.ms.gov>; 'Justin.Matheny@ago.ms.gov' <Justin.Matheny@ago.ms.gov>; 'Justin.smith@ago.mo.gov' <Justin.smith@ago.mo.gov>; 'John.Sauer@ago.mo.gov' <John.Sauer@ago.mo.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; 'dave.bydalek@nebraska.gov' < dave.bydalek@nebraska.gov>; 'Campbell, Jim (Jim.Campbell@nebraska.gov)' <Jim.Campbell@nebraska.gov>; 'Sean.P.Gill@doj.nh.gov' <Sean.P.Gill@doj.nh.gov>; 'masagsve@nd.gov' <masagsve@nd.gov>; 'tseibel@nd.gov' <tseibel@nd.gov>; 'Benjamin Flowers (Benjamin.Flowers@OhioAGO.gov)' < Benjamin.Flowers@OhioAGO.gov>; 'May.Mailman@OhioAGO.gov' <May.Mailman@OhioAGO.gov>; 'mithun.mansinghani@oag.ok.gov' <mithun.mansinghani@oag.ok.gov>; 'esmith@scag.gov' <esmith@scag.gov >; 'mgates@scag.gov' <mgates@scag.gov>; 'Paul.Swedlund@state.sd.us' <Paul.Swedlund@state.sd.us>; 'jonathan.skrmetti@ag.tn.gov' <jonathan.skrmetti@ag.tn.gov>; 'Andree.Blumstein@ag.tn.gov' < Andree.Blumstein@ag.tn.gov>; 'Sarah.Campbell@ag.tn.gov' <Sarah.Campbell@ag.tn.gov>; 'Stone, Judd (Judd.Stone@oag.texas.gov)' <Judd.Stone@oag.texas.gov>; 'melissaholyoak@agutah.gov' < melissaholyoak@agutah.gov>; 'Lindsay.S.See@wvago.gov' <Lindsay.S.See@wvago.gov>; 'ryan.schelhaas@wyo.gov' <ryan.schelhaas@wyo.gov> **Cc:** Ensign, Drew <Drew.Ensign@azag.gov>; Rogers, James <James.Rogers@azag.gov>; Kredit, Joshua < Joshua.Kredit@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov> **Subject:** Contractor Mandate - DOJ Response to PI/TRO Friends, Some of you asked me to circulate DOJ's response to our Application for PI/TRO on the federal contractor mandate. It is attached. Sincerely, Beau Beau Roysden Arizona Attorney General's Office 602-542-8958 (direct)
Attachments	image001[10345].jpg, image002[10346].png, image003[10347].png, image004[10348].png

Record 1578

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: revised draft
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 2:08:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 2:08:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 2:08:36.000 PM

Body	Ok. Let 'er go Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 3:07:21 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** revised draft BISMARCK, ND - Earlier today, federal district court Judge R. Stan Baker in Georgia issued a nationwide preliminary injunction suspending the federal contractor vaccine mandate. Judge Baker ruled against the Biden Administration, finding that the vaccine mandate in Executive Order 14042 violated the Procurement Act. On its face, the contractor vaccine mandate would have applied to any employee of a contractor or subcontractor who was a party to a federal contract, even if the work they did was wholly unrelated to the contract, and even if it was not certain they would ever have worked in a location with an employee who was actually working on a federal contract. "The Biden administration has yet again exceeded its authority in apparent disregard of the Constitution and the rule of law," said Attorney General Wayne Stenehjem. In his Order, Judge Baker stated "As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are. … However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities." Stenehjem noted that, with Judge Baker's order, federal courts have now enjoined the three most invasive federal vaccine mandates. "I will continue to work with Attorneys General across the nation to protect the citizens of North Dakota from federal overreach." ### Read the Order (Link)

Record 1579

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: revised draft
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 2:08:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 2:08:35.000 PM
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Body	Ok. Let 'er go Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 3:07:21 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** revised draft BISMARCK, ND - Earlier today, federal district court Judge R. Stan Baker in Georgia issued a nationwide preliminary injunction suspending the federal contractor vaccine mandate. Judge Baker ruled against the Biden Administration, finding that the vaccine mandate in Executive Order 14042 violated the Procurement Act. On its face, the contractor vaccine mandate would have applied to any employee of a contractor or subcontractor who was a party to a federal contract, even if the work they did was wholly unrelated to the contract, and even if it was not certain they would ever have worked in a location with an employee who was actually working on a federal contract. "The Biden administration has yet again exceeded its authority in apparent disregard of the Constitution and the rule of law," said Attorney General Wayne Stenehjem. In his Order, Judge Baker stated "As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are. … However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities." Stenehjem noted that, with Judge Baker's order, federal courts have now enjoined the three most invasive federal vaccine mandates. "I will continue to work with Attorneys General across the nation to protect the citizens of North Dakota from federal overreach." ### Read the Order (Link)

Record 1580

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: open record request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 4:48:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 4:48:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 4:48:00.000 PM
Body	I don't believe I've ever heard of them. **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 4:36 PM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** open record request We received an open record request for any records, electronic or otherwise, ***of communications between employees of the Office of Attorney General and Fog Data Science, LLC, Fog Analytics, Fog Reveal, or Mark Massop***. If you have any relevant records, please respond asap. Thank you. Liz

Record 1581

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: open record request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 4:48:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 4:48:30.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/7/2021 4:48:00.000 PM
Body	I don't believe I've ever heard of them. **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 7, 2021 4:36 PM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** open record request We received an open record request for any records, electronic or otherwise, ***of communications between employees of the Office of Attorney General and Fog Data Science, LLC, Fog Analytics, Fog Reveal, or Mark Massop***. If you have any relevant records, please respond asap. Thank you. Liz

Record 1582

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Attorney General Alliance Organized Retail Crime Briefing
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:56:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:56:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:56:00.000 AM

Body

From: The Attorney General Alliance <psalazar+agalliance.org@ccsend.com>
Sent: Tuesday, December 7, 2021 9:05 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Attorney General Alliance Organized Retail Crime Briefing

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Register Now for the briefing on Monday, Decemi

The Attorney General Alliance and Attorney Ger

Organized Retail Crime Briet
Monday, December 13th, 2021 at 12:

The stolen merchandise recovered by the Organized Retail Crime Task Force includes tens of thousands of pr
n law enforcement and retail as we continue to investigate this massive theft. Organized retail theft is about m
ehind these crimes are connected to other crimes, such as the drug trade and human trafficking. I am committ
linois."

Illinois Attorney General Kwame Raoul

Please join this discussion intended to foster cooperation among State Attorr
Attorney General only discussion regarding efforts dedicated to target organizec

Join the Illinois Attorney General in bringing attention to this crucial issue on how

This briefing is for Attorneys General and Attorneys General Staff Only.

Monday, December 13, 2021

12:00pm CST

Body	Registration is open and available to Attorneys General and staff only. For more inform

Body	Attorney General Alliance | Conference of Western Attorneys General | www.agalliance. Attorney General Alliance | Conference of Western Attorneys General | 5050 Laguna Blvd, Ste 112-323, Elk Grove, CA 95758 Unsubscribe wstenehjem@nd.gov Update Profile | Constant Contact Data Notice Sent by psalazar@agalliance.org powered by

Record 1583

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Attorney General Alliance Organized Retail Crime Briefing
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:56:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:56:31.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:56:00.000 AM

Body

From: The Attorney General Alliance <psalazar+agalliance.org@ccsend.com>
Sent: Tuesday, December 7, 2021 9:05 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Attorney General Alliance Organized Retail Crime Briefing

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The Attorney General Alliance and Attorney Ger

Organized Retail Crime Briet
Monday, December 13th, 2021 at 12:

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Illinois Attorney General Kwame Raoul

Please join this discussion intended to foster cooperation among State Attorr
Attorney General only discussion regarding efforts dedicated to target organizec

Join the Illinois Attorney General in bringing attention to this crucial issue on how

This briefing is for Attorneys General and Attorneys General Staff Only.

Monday, December 13, 2021

12:00pm CST

Body	Registration is open and available to Attorneys General and staff only. For more inform

Body	Attorney General Alliance | Conference of Western Attorneys General | www.agalliance. Attorney General Alliance | Conference of Western Attorneys General | 5050 Laguna Blvd, Ste 112-323, Elk Grove, CA 95758 Unsubscribe wstenehjem@nd.gov Update Profile | Constant Contact Data Notice Sent by psalazar@agalliance.org powered by

Record 1584

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Acute Psychiatric Treatment Committee Meeting Presentation - 1/20/2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:58:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:58:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:58:00.000 AM

Body	Remind me that we'll need to have someone at this meeting. w **From:** Kinnischtzke, Levi <lkinnischtzke@nd.gov> **Sent:** Monday, December 6, 2021 4:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Acute Psychiatric Treatment Committee Meeting Presentation - 1/20/2022 Mr. Stenehjem, Representative Jon O. Nelson, Chairman, has called a meeting of the Legislative Management's Acute Psychiatric Treatment Committee for Thursday, January 20, 2022, beginning at 9:00 a.m. in the Harvest Room of the State Capitol. Presenters are expected to present in person in the committee room. Chairman Nelson asks that you or your representative arrange for a presentation from 1:00 p.m. to 1:15 p.m. regarding the Attorney General's office involvement with occupational boards providing mental and behavioral health services and similarities and differences of licensing and reciprocity requirements. Please submit an electronic copy of your presentation to me at lkinnischtzke@nd.gov by 9:00 a.m. Wednesday, January 19, 2022, so we may attach your presentation to the committee's online meeting agenda for use by committee members and members of the public. The meeting agenda will be posted to the committee's 2021□22 interim webpage. Please contact me if you have any questions regarding the meeting. Thank you. **Levi Kinnischtzke, CPA** Senior Fiscal Analyst North Dakota Legislative Council (701)-328-3694 lkinnischtzke@nd.gov

Record 1585

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Acute Psychiatric Treatment Committee Meeting Presentation - 1/20/2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:58:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:58:46.000 AM
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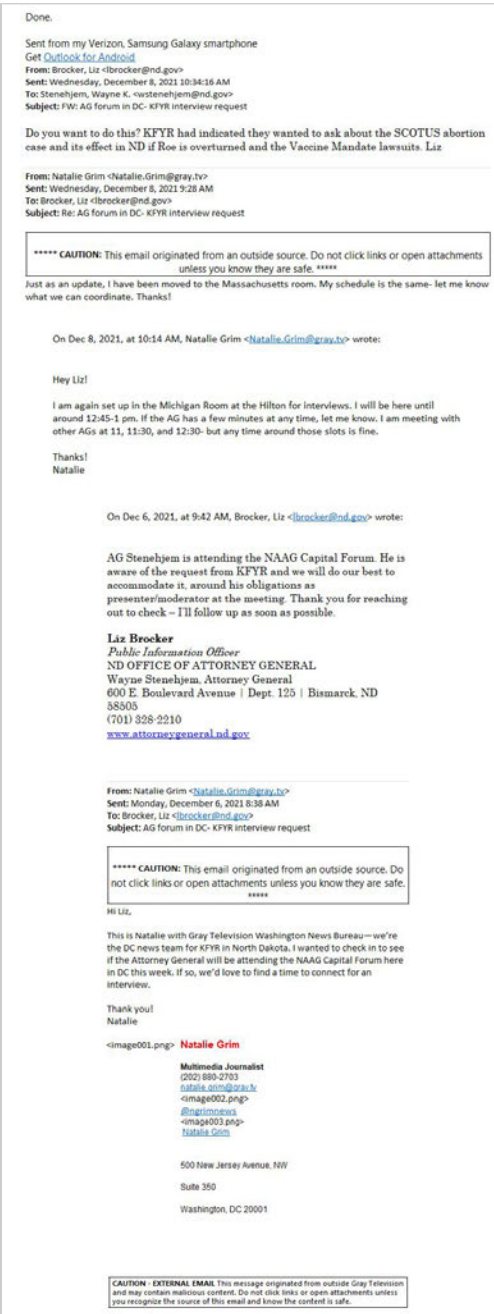
Record 1586

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: AG forum in DC- KFYR interview request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 10:57:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 10:57:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 10:57:25.000 AM

Body	

Done.

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Brocker, Liz <lbrocker@nd.gov>
Sent: Wednesday, December 8, 2021 10:34:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: AG forum in DC- KFYR interview request

Do you want to do this? KFYR had indicated they wanted to ask about the SCOTUS abortion case and its effect in ND if Roe is overturned and the Vaccine Mandate lawsuits. Liz

From: Natalie Grim <Natalie.Grim@gray.tv>
Sent: Wednesday, December 8, 2021 9:28 AM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: Re: AG forum in DC- KFYR interview request

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Just as an update, I have been moved to the Massachusetts room. My schedule is the same- let me know what we can coordinate. Thanks!

On Dec 8, 2021, at 10:14 AM, Natalie Grim <Natalie.Grim@gray.tv> wrote:

Hey Liz!

I am again set up in the Michigan Room at the Hilton for interviews. I will be here until around 12:45-1 pm. If the AG has a few minutes at any time, let me know. I am meeting with other AGs at 11, 11:30, and 12:30- but any time around those slots is fine.

Thanks!
Natalie

On Dec 6, 2021, at 9:42 AM, Brocker, Liz <lbrocker@nd.gov> wrote:

AG Stenehjem is attending the NAAG Capital Forum. He is aware of the request from KFYR and we will do our best to accommodate it, around his obligations as presenter/moderator at the meeting. Thank you for reaching out to check – I'll follow up as soon as possible.

Liz Brocker
Public Information Officer
ND OFFICE OF ATTORNEY GENERAL
Wayne Stenehjem, Attorney General
600 E. Boulevard Avenue | Dept. 125 | Bismarck, ND 58505
(701) 328-2210
www.attorneygeneral.nd.gov

From: Natalie Grim <Natalie.Grim@gray.tv>
Sent: Monday, December 6, 2021 8:38 AM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: AG forum in DC- KFYR interview request

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Thank you!
Natalie

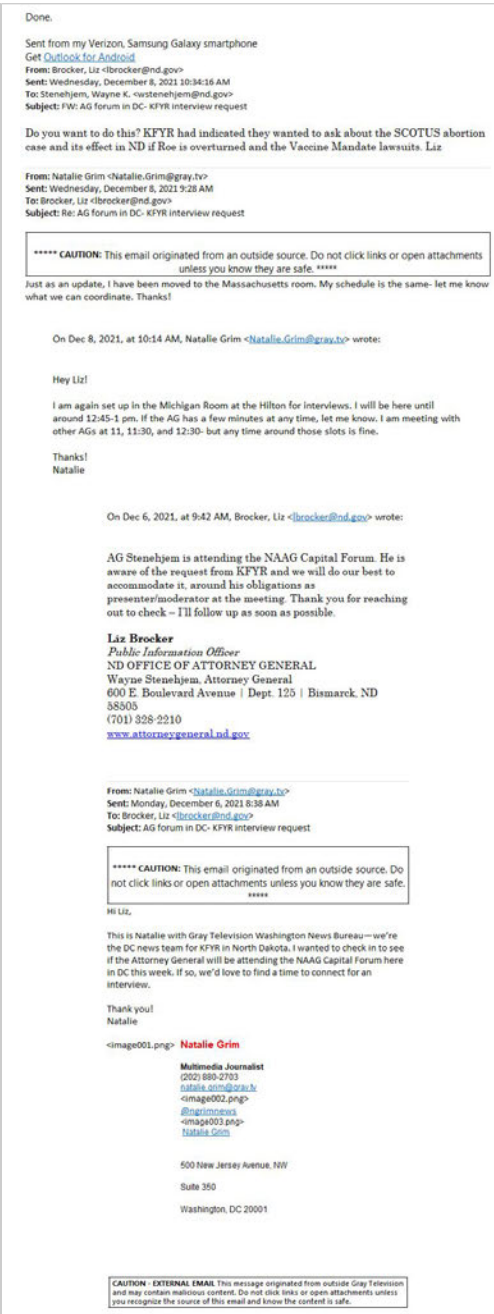
<image001.png> **Natalie Grim**
Multimedia Journalist
(202) 880-2703
natalie.grim@gray.tv
<image002.png>
@ngrimnews
<image003.png>
Natalie Grim

500 New Jersey Avenue, NW
Suite 350
Washington, DC 20001

CAUTION - EXTERNAL EMAIL This message originated from outside Gray Television and may contain malicious content. Do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Record 1587

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: AG forum in DC- KFYR interview request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 10:57:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 10:57:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 10:57:25.000 AM

Body	

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Multimedia Journalist
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<image002.png>
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Natalie Grim

500 New Jersey Avenue, NW
Suite 350
Washington, DC 20001

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Record 1588

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	maiolson@nd.gov, tseibel@nd.gov, sebyp@gtlaw.com
Subject	Re: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:00:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:00:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:00:35.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	jverleger@nd.gov

Record 1589

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	maiolson@nd.gov, tseibel@nd.gov, sebyp@gtlaw.com
Subject	Re: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:00:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:00:35.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:00:35.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	jverleger@nd.gov

Record 1590

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Privileged/Wage Claim/FYI Only
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:02:11.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:02:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:02:45.000 AM

Body	Very well. Proceed in representing our client agency. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 8, 2021 11:48:16 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Privileged/Wage Claim/FYI Only I just want to let you know that our division intends to move forward with a civil complaint against Trinity Hospitals on behalf of the Labor Dept. Trinity is represented by David Hogue, who has opposed the claim. The Labor Dept. has awarded 3x the amount requested by the claimant plus $24,000 in penalties; the Dept. is unwilling to seek a lesser amount. Also attached is a transcript of a VM from attorney Hogue. Matt

Record 1591

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Privileged/Wage Claim/FYI Only
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:02:11.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:02:45.000 AM
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Record 1592

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	maiolson@nd.gov, tseibel@nd.gov, sebyp@gtlaw.com
Subject	Re: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:03:12.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:03:57.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:03:57.000 AM

Body	§44-04-19.1 Waynw Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 12:00:35 PM **To:** Olson, Margaret I. <maiolson@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Re: Revised Definition of "Waters of the United States" Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Margaret I. <maiolson@nd.gov> **Sent:** Wednesday, December 8, 2021 11:54:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com <sebyp@gtlaw.com> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** FW: Revised Definition of "Waters of the United States" §44-04-19.1 Maggie **From:** Olson, Margaret I. **Sent:** Wednesday, December 8, 2021 10:51 AM **To:** Glatt, Dave D. <dglatt@nd.gov>; Rockeman, Karl H. <krockema@nd.gov>; Travnicek, Andrea J. <atravnicek@nd.gov>; Bialke, Joseph P. <bialkej@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>; Schuh, John M. <jschuh@nd.gov>; Helms, Lynn D. <lhelms@nd.gov>; Williams, Jeb R. <jwilliam@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>; Haase, Reice <rhaase@nd.gov> **Cc:** Verleger, Jennifer L. <jverleger@nd.gov> **Subject:** Revised Definition of "Waters of the United States" Good Morning, §44-04-19.1 *Maggie Olson* *Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Phone (701) 328-3640* *Fax (701) 328-4300* **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
CC	jverleger@nd.gov

Record 1593

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	maiolson@nd.gov, tseibel@nd.gov, sebyp@gtlaw.com
Subject	Re: Revised Definition of "Waters of the United States"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:03:12.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:03:57.000 AM
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CC	jverleger@nd.gov

Record 1594

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Privileged/Wage Claim/FYI Only
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:06:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:06:29.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:06:30.000 AM

Body	And thanks for the heads-up Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 8, 2021 12:04:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Privileged/Wage Claim/FYI Only Yes, will do. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 11:03 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Privileged/Wage Claim/FYI Only Very well. Proceed in representing our client agency. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 8, 2021 11:48:16 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Privileged/Wage Claim/FYI Only I just want to let you know that our division intends to move forward with a civil complaint against Trinity Hospitals on behalf of the Labor Dept. Trinity is represented by David Hogue, who has opposed the claim. The Labor Dept. has awarded 3x the amount requested by the claimant plus $24,000 in penalties; the Dept. is unwilling to seek a lesser amount. Also attached is a transcript of a VM from attorney Hogue. Matt

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Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Privileged/Wage Claim/FYI Only
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:06:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 11:06:29.000 AM
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Record 1596

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	Re: MCO - Medicaid expansion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 3:02:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 3:04:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 3:04:12.000 PM
Body	Very well. We can visit next week at your convenience Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Wednesday, December 8, 2021 3:05:59 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** MCO - Medicaid expansion Gentlemen: I had a conference call last week with Jon Alm (DHS attorney) and Caprice Knapp (Medicaid Director DHS). There may be an issue surfacing regarding the new Medicaid Expansion Manage Care Organization contract with BCBS. BCBS doesn't appear to be doing anything improper but some providers maybe colluding. I don't want to try to explain too much in this email but it may be something that we have to discuss as soon as you get back. If you have questions feel free to call my cell 701-649-0133. Thanks Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

CC	tseibel@nd.gov

Record 1597

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	Re: MCO - Medicaid expansion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 3:02:37.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 3:04:11.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 3:04:12.000 PM
Body	Very well. We can visit next week at your convenience Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Wednesday, December 8, 2021 3:05:59 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** MCO - Medicaid expansion Gentlemen: I had a conference call last week with Jon Alm (DHS attorney) and Caprice Knapp (Medicaid Director DHS). There may be an issue surfacing regarding the new Medicaid Expansion Manage Care Organization contract with BCBS. BCBS doesn't appear to be doing anything improper but some providers maybe colluding. I don't want to try to explain too much in this email but it may be something that we have to discuss as soon as you get back. If you have questions feel free to call my cell 701-649-0133. Thanks Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email and we also request that you immediately delete this message and its attachments, if any.
CC	tseibel@nd.gov

Record 1598

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: FYI - telephone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:17:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:18:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:18:28.000 PM

Body	I am aware of the issue with Headstart, but am not aware of any state-lead lawsuits. I'll ask around d tonight. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 8, 2021 5:36:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** FYI - telephone call I took a telephone call from Brian Van Horn, president of Mayville State. He had great things to say about Eric's legal advice and services, and about our efforts on the federal vaccine mandates, but he also wanted to convey a concern specific to Mayville State, and that's the federal vaccine + mask mandates for Head Start programs. Van Horn explained that it affects about 375 children, several employees have already threatened to quit if they are forced to get vaccinated (which means he'll have to reduce the number of children they serve), and although they run a child care program, it's jointly housed and served with the Head Start program, so it affects the child care program too (even though that's not subject to a federal mandate). Finally, he said that one of the conditions of receiving funds is that any child age 2+ must wear a mask at all times unless eating or drinking regardless of vaccine status. He's not sure what effect enforcing that mandate will have, but he's concerned that parents will not be happy. Van Horn sked that if we have an opportunity to join or lead a multistate action challenging that mandate, we do so. Eric briefly explained this issue to me yesterday as we were talking about the "big three" federal mandates, and I know he's following it, so I copied him here. If you want to talk to President Van Horn (which he said is not necessary – just knowing that Eric is tracking this issue was enough), he's at 270-493-0530 (cell). Liz
CC	tseibel@nd.gov, edolson@nd.gov

Record 1599

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: FYI - telephone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:17:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:18:27.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:18:28.000 PM

Body	I am aware of the issue with Headstart, but am not aware of any state-lead lawsuits. I'll ask around d tonight. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 8, 2021 5:36:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** FYI - telephone call I took a telephone call from Brian Van Horn, president of Mayville State. He had great things to say about Eric's legal advice and services, and about our efforts on the federal vaccine mandates, but he also wanted to convey a concern specific to Mayville State, and that's the federal vaccine + mask mandates for Head Start programs. Van Horn explained that it affects about 375 children, several employees have already threatened to quit if they are forced to get vaccinated (which means he'll have to reduce the number of children they serve), and although they run a child care program, it's jointly housed and served with the Head Start program, so it affects the child care program too (even though that's not subject to a federal mandate). Finally, he said that one of the conditions of receiving funds is that any child age 2+ must wear a mask at all times unless eating or drinking regardless of vaccine status. He's not sure what effect enforcing that mandate will have, but he's concerned that parents will not be happy. Van Horn sked that if we have an opportunity to join or lead a multistate action challenging that mandate, we do so. Eric briefly explained this issue to me yesterday as we were talking about the "big three" federal mandates, and I know he's following it, so I copied him here. If you want to talk to President Van Horn (which he said is not necessary – just knowing that Eric is tracking this issue was enough), he's at 270-493-0530 (cell). Liz
CC	tseibel@nd.gov, edolson@nd.gov

Record 1600

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	edolson@nd.gov, lbrocker@nd.gov
Subject	Re: FYI - telephone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:23:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:25:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:25:26.000 PM

Body	Ok. I'm at a function in DC, and I'll check if AG Landry is here. Wayne I appreciate the comments about you from President Van Horn. Well done! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Eric D. <edolson@nd.gov> **Sent:** Wednesday, December 8, 2021 6:20:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: FYI - telephone call Thank you. I believe that Louisiana may be considering a suit based on an email from a week or so ago. I'd be happy to discuss the issue at your convenience. Thanks, Eric Sent from my iPhone **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 5:18:27 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** Re: FYI - telephone call I am aware of the issue with Headstart, but am not aware of any state-lead lawsuits. I'll ask around d tonight. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 8, 2021 5:36:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** FYI - telephone call I took a telephone call from Brian Van Horn, president of Mayville State. He had great things to say about Eric's legal advice and services, and about our efforts on the federal vaccine mandates, but he also wanted to convey a concern specific to Mayville State, and that's the federal vaccine + mask mandates for Head Start programs. Van Horn explained that it affects about 375 children, several employees have already threatened to quit if they are forced to get vaccinated (which means he'll have to reduce the number of children they serve), and although they run a child care program, it's jointly housed and served with the Head Start program, so it affects the child care program too (even though that's not subject to a federal mandate). Finally, he said that one of the conditions of receiving funds is that any child age 2+ must wear a mask at all times unless eating or drinking regardless of vaccine status. He's not sure what effect enforcing that mandate will have, but he's concerned that parents will not be happy. Van Horn sked that if we have an opportunity to join or lead a multistate action challenging that mandate, we do so. Eric briefly explained this issue to me yesterday as we were talking about the "big three" federal mandates, and I know he's following it, so I copied him here. If you want to talk to President Van Horn (which he said is not necessary – just knowing that Eric is tracking this issue was enough), he's at 270-493-0530 (cell). Liz
CC	tseibel@nd.gov

Record 1601

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	edolson@nd.gov, lbrocker@nd.gov
Subject	Re: FYI - telephone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:23:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:25:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 5:25:26.000 PM

Body	Ok. I'm at a function in DC, and I'll check if AG Landry is here. Wayne I appreciate the comments about you from President Van Horn. Well done! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Eric D. <edolson@nd.gov> **Sent:** Wednesday, December 8, 2021 6:20:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: FYI - telephone call Thank you. I believe that Louisiana may be considering a suit based on an email from a week or so ago. I'd be happy to discuss the issue at your convenience. Thanks, Eric Sent from my iPhone **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 5:18:27 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** Re: FYI - telephone call I am aware of the issue with Headstart, but am not aware of any state-lead lawsuits. I'll ask around d tonight. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 8, 2021 5:36:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** FYI - telephone call I took a telephone call from Brian Van Horn, president of Mayville State. He had great things to say about Eric's legal advice and services, and about our efforts on the federal vaccine mandates, but he also wanted to convey a concern specific to Mayville State, and that's the federal vaccine + mask mandates for Head Start programs. Van Horn explained that it affects about 375 children, several employees have already threatened to quit if they are forced to get vaccinated (which means he'll have to reduce the number of children they serve), and although they run a child care program, it's jointly housed and served with the Head Start program, so it affects the child care program too (even though that's not subject to a federal mandate). Finally, he said that one of the conditions of receiving funds is that any child age 2+ must wear a mask at all times unless eating or drinking regardless of vaccine status. He's not sure what effect enforcing that mandate will have, but he's concerned that parents will not be happy. Van Horn sked that if we have an opportunity to join or lead a multistate action challenging that mandate, we do so. Eric briefly explained this issue to me yesterday as we were talking about the "big three" federal mandates, and I know he's following it, so I copied him here. If you want to talk to President Van Horn (which he said is not necessary – just knowing that Eric is tracking this issue was enough), he's at 270-493-0530 (cell). Liz
CC	tseibel@nd.gov

Record 1602

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	edolson@nd.gov, lbrocker@nd.gov
Subject	Re: FYI - telephone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 6:53:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 6:55:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 6:55:05.000 PM

Body	Louisiana and Nebraska will be circulating a draft next week. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 6:25:26 PM **To:** Olson, Eric D. <edolson@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: FYI - telephone call Ok. I'm at a function in DC, and I'll check if AG Landry is here. Wayne I appreciate the comments about you from President Van Horn. Well done! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Eric D. <edolson@nd.gov> **Sent:** Wednesday, December 8, 2021 6:20:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: FYI - telephone call Thank you. I believe that Louisiana may be considering a suit based on an email from a week or so ago. I'd be happy to discuss the issue at your convenience. Thanks, Eric Sent from my iPhone **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 5:18:27 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** Re: FYI - telephone call I am aware of the issue with Headstart, but am not aware of any state-lead lawsuits. I'll ask around d tonight. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 8, 2021 5:36:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** FYI - telephone call I took a telephone call from Brian Van Horn, president of Mayville State. He had great things to say about Eric's legal advice and services, and about our efforts on the federal vaccine mandates, but he also wanted to convey a concern specific to Mayville State, and that's the federal vaccine + mask mandates for Head Start programs. Van Horn explained that it affects about 375 children, several employees have already threatened to quit if they are forced to get vaccinated (which means he'll have to reduce the number of children they serve), and although they run a child care program, it's jointly housed and served with the Head Start program, so it affects the child care program too (even though that's not subject to a federal mandate). Finally, he said that one of the conditions of receiving funds is that any child age 2+ must wear a mask at all times unless eating or drinking regardless of vaccine status. He's not sure what effect enforcing that mandate will have, but he's concerned that parents will not be happy. Van Horn sked that if we have an opportunity to join or lead a multistate action challenging that mandate, we do so. Eric briefly explained this issue to me yesterday as we were talking about the "big three" federal mandates, and I know he's following it, so I copied him here. If you want to talk to President Van Horn (which he said is not necessary – just knowing that Eric is tracking this issue was enough), he's at 270-493-0530 (cell). Liz
CC	tseibel@nd.gov

Record 1603

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	edolson@nd.gov, lbrocker@nd.gov
Subject	Re: FYI - telephone call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 6:53:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 6:55:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/8/2021 6:55:05.000 PM

Body	Louisiana and Nebraska will be circulating a draft next week. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 6:25:26 PM **To:** Olson, Eric D. <edolson@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: FYI - telephone call Ok. I'm at a function in DC, and I'll check if AG Landry is here. Wayne I appreciate the comments about you from President Van Horn. Well done! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Olson, Eric D. <edolson@nd.gov> **Sent:** Wednesday, December 8, 2021 6:20:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: FYI - telephone call Thank you. I believe that Louisiana may be considering a suit based on an email from a week or so ago. I'd be happy to discuss the issue at your convenience. Thanks, Eric Sent from my iPhone **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 8, 2021 5:18:27 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** Re: FYI - telephone call I am aware of the issue with Headstart, but am not aware of any state-lead lawsuits. I'll ask around d tonight. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 8, 2021 5:36:22 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Olson, Eric D. <edolson@nd.gov> **Subject:** FYI - telephone call I took a telephone call from Brian Van Horn, president of Mayville State. He had great things to say about Eric's legal advice and services, and about our efforts on the federal vaccine mandates, but he also wanted to convey a concern specific to Mayville State, and that's the federal vaccine + mask mandates for Head Start programs. Van Horn explained that it affects about 375 children, several employees have already threatened to quit if they are forced to get vaccinated (which means he'll have to reduce the number of children they serve), and although they run a child care program, it's jointly housed and served with the Head Start program, so it affects the child care program too (even though that's not subject to a federal mandate). Finally, he said that one of the conditions of receiving funds is that any child age 2+ must wear a mask at all times unless eating or drinking regardless of vaccine status. He's not sure what effect enforcing that mandate will have, but he's concerned that parents will not be happy. Van Horn sked that if we have an opportunity to join or lead a multistate action challenging that mandate, we do so. Eric briefly explained this issue to me yesterday as we were talking about the "big three" federal mandates, and I know he's following it, so I copied him here. If you want to talk to President Van Horn (which he said is not necessary – just knowing that Eric is tracking this issue was enough), he's at 270-493-0530 (cell). Liz
CC	tseibel@nd.gov

Record 1604

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	Re: Drug Seizure
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 7:25:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 7:26:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 7:26:09.000 AM

Body	Excellent job. All in all, a great day's work □□ Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Thursday, December 9, 2021 8:22:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Drug Seizure Wayne and Troy, Please see below an overview of a drug seizure our Fargo Task Force (Cass County Drug Task Force) spearheaded with the DEA task force and seized 9 pounds of methamphetamine. The tip from out Minnesota and local surveillance led to a great search and seizure! Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 ell lgrabowska@nd.gov Get Outlook for iOS **From:** Shane J. Orn <Shane.Orn@westfargond.gov> **Sent:** Wednesday, December 8, 2021 7:49 PM **To:** Gregory C. Warren; Peter D. Nielsen; Denis E. Otterness **Cc:** Franklin, Shelby **Subject:** Drug Seizure ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Gents, A TFO in the twin cities area reached out with information, from a reliable source, that there was a male in town with approximately 15 pounds of methamphetamine. The TFO stated the male was staying at the Rodeway Inn, went by "Alex", and was possibly from California. Through surveillance that lasted most of the day, we determined that two males, driving a California plated vehicle were our suspects. The males had left the hotel for a short time allowing a dog sniff of their room to take place(positive alert). The TF along with the DEA executed a search warrant shortly after they returned. In total, 9.3 pounds of methamphetamine were located under the mattress and their vehicle was seized. Two males, which were uncooperative, went to jail. Not a bad days work! I will check tomorrow to see if this is something that we can send out in a press release. They were uncooperative today, but that may change overnight or in the near future. Pic below. [cid:74E673C9-9B28-49C8-A15A-4FDDCDA25632] Sent from my iPhone
Attachments	13699.gov

Record 1605

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	Re: Drug Seizure
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 7:25:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 7:26:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 7:26:09.000 AM

Body	Excellent job. All in all, a great day's work □□ Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Thursday, December 9, 2021 8:22:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Drug Seizure Wayne and Troy, Please see below an overview of a drug seizure our Fargo Task Force (Cass County Drug Task Force) spearheaded with the DEA task force and seized 9 pounds of methamphetamine. The tip from out Minnesota and local surveillance led to a great search and seizure! Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 cell lgrabowska@nd.gov Get Outlook for iOS **From:** Shane J. Orn <Shane.Orn@westfargond.gov> **Sent:** Wednesday, December 8, 2021 7:49 PM **To:** Gregory C. Warren; Peter D. Nielsen; Denis E. Otterness **Cc:** Franklin, Shelby **Subject:** Drug Seizure ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Gents, A TFO in the twin cities area reached out with information, from a reliable source, that there was a male in town with approximately 15 pounds of methamphetamine. The TFO stated the male was staying at the Rodeway Inn, went by "Alex", and was possibly from California. Through surveillance that lasted most of the day, we determined that two males, driving a California plated vehicle were our suspects. The males had left the hotel for a short time allowing a dog sniff of their room to take place(positive alert). The TF along with the DEA executed a search warrant shortly after they returned. In total, 9.3 pounds of methamphetamine were located under the mattress and their vehicle was seized. Two males, which were uncooperative, went to jail. Not a bad days work! I will check tomorrow to see if this is something that we can send out in a press release. They were uncooperative today, but that may change overnight or in the near future. Pic below. [cid:74E673C9-9B28-49C8-A15A-4FDDCDA25632] Sent from my iPhone
Attachments	image002[10392].jpg

Record 1606

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, lbrocker@nd.gov
Subject	Fwd: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:35:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:36:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:36:13.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 2:09:50 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Sent: Thursday, December 09, 2021 12:31 PM
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Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson

Body

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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

Body	**From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone < Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett < Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) < jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau < Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival < James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Sent: Thursday, December 9, 2021 2:09:50 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Do you have draft decs ready Judd?

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson

Body

<Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

Body	**From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Record 1608

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:47:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:48:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:48:08.000 PM

Body

That could be helpful.
See if Matt can. Coordinate ate with Louisiana

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, December 9, 2021 2:40:24 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Yes, I have been receiving these emails also. I am in a deposition for the remainder of the day, just FYI. We have not joined any Head Start cases...

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 9, 2021 1:36 PM
To: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: Fwd: ACF/OHS/HHS - Head Start Mandate

Sent from my Verizon, Samsung Galaxy smartphone
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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 2:09:50 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Do you have draft decs ready Judd?

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon,

Body

Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come

Body	from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners. **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; mclissahobyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Record 1609

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:47:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:48:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 1:48:08.000 PM

Body

That could be helpful.
See if Matt can. Coordinate ate with Louisiana

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, December 9, 2021 2:40:24 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Yes, I have been receiving these emails also. I am in a deposition for the remainder of the day, just FYI. We have not joined any Head Start cases...

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 9, 2021 1:36 PM
To: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: Fwd: ACF/OHS/HHS - Head Start Mandate

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 2:09:50 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon,

Body

Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come

Body	from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners. **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; mclissahobyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mithun.mansinghani@oag.ok.gov
Subject	Re: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 4:06:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 4:06:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 4:06:50.000 PM

Body

ND is as well.
Wayne Stenehjem

Sent from my Verizon, Samsung Galaxy smartphone
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From: Mithun Mansinghani <mithun.mansinghani@oag.ok.gov>
Sent: Thursday, December 9, 2021 4:50:19 PM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; McVey, David <David.McVey@state.sd.us>
Cc: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; Kian.Hudson@atg.in.gov <Kian.Hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; brant.laue@ag.ks.gov <brant.laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.smith@ago.mo.gov <Justin.smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; jim.campbell@nebraska.gov <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Zach West <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; Lindsay.S.See@wvago.gov <Lindsay.S.See@wvago.gov>; Thomas.T.Lampman@wvago.gov <Thomas.T.Lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Oklahoma is interested as well!

Mithun Mansinghani
Solicitor General

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From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Thursday, December 9, 2021 3:45 PM
To: McVey, David <David.McVey@state.sd.us>
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Subject: [EXTERNAL] Re: ACF/OHS/HHS - Head Start Mandate

Liz, I already told Kentucky but realized I probably should have replied all on this one. Alaska is interested in joining in a lawsuit in this. So just let me know what you need!

Body

Cori

Sent from my iPhone

On Dec 9, 2021, at 12:30 PM, McVey, David <David.McVey@state.sd.us> wrote:

Some people who received this message don't often get email from david.mcvey@state.sd.us. Learn why this is important

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Here is a signature block for South Dakota.

JASON R. RAVNSBORG South Dakota Attorney General DAVID M. MCVEY Assistant Attorney General 1302 E. Highway 14, Suite 1 Pierre, SD 57501-8501 Phone: (605) 773-3215 david.mcvey@state.sd.us Counsel for the State of South Dakota

David

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Sent: Thursday, December 9, 2021 1:09 PM
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Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <Murrille@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) < christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew < Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett < Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival < James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov < tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov < David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov < Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tselbel@nd.gov <tselbel@nd.gov>; May Mailman < May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov < mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov < BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven < Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell < Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov < lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov < nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany < SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] < Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov < Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov < mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <Murrille@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) < christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew < Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett < Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival < James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>;

Body

jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov ; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov <Jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

Body	**From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tsrobel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirklund@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.llanigman@wyago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wyago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696.5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Record 1611

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mithun.mansinghani@oag.ok.gov
Subject	Re: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 4:06:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 4:06:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 4:06:50.000 PM

Body

ND is as well.
Wayne Stenehjem

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Mithun Mansinghani <mithun.mansinghani@oag.ok.gov>
Sent: Thursday, December 9, 2021 4:50:19 PM
To: Mills, Cori M (LAW) <cori.mills@alaska.gov>; McVey, David <David.McVey@state.sd.us>
Cc: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@ohioago.gov>; Joshua Richardson <Joshua.Richardson@ohioago.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; Kian.Hudson@atg.in.gov <Kian.Hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; brant.laue@ag.ks.gov <brant.laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.smith@ago.mo.gov <Justin.smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; jim.campbell@nebraska.gov <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@ohioago.gov>; Zach West <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; Lindsay.S.See@wvago.gov <Lindsay.S.See@wvago.gov>; Thomas.T.Lampman@wvago.gov <Thomas.T.Lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@ohioago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Oklahoma is interested as well!

Mithun Mansinghani
Solicitor General

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From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Thursday, December 9, 2021 3:45 PM
To: McVey, David <David.McVey@state.sd.us>
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Subject: [EXTERNAL] Re: ACF/OHS/HHS - Head Start Mandate

Liz, I already told Kentucky but realized I probably should have replied all on this one. Alaska is interested in joining in a lawsuit in this. So just let me know what you need!

Body

Cori

Sent from my iPhone

On Dec 9, 2021, at 12:30 PM, McVey, David <David.McVey@state.sd.us> wrote:

Some people who received this message don't often get email from david.mcvey@state.sd.us.
Learn why this is important

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Here is a signature block for South Dakota.

JASON R. RAVNSBORG South Dakota Attorney General DAVID M. MCVEY Assistant Attorney General 1302 E. Highway 14, Suite 1 Pierre, SD 57501-8501 Phone: (605) 773-3215 david.mcvey@state.sd.us Counsel for the State of South Dakota

David

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Sent: Thursday, December 9, 2021 1:09 PM
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Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tselbel@nd.gov <tselbel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <Murrille@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tselbel@nd.gov <tselbel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <Lindsey.Keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <Murrille@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>;

Body

jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov ; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Jeff.chanay@ag.ks.gov <Jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I don't think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

Body	**From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dixon, Ninia R (LAW) <ninia.dixon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tsteibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirklund@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.llanigman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696.5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.

Record 1612

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov, lbrocker@nd.gov
Subject	Fwd: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 10:24:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 10:25:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 10:25:03.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 9:50:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov

Record 1613

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov, lbrocker@nd.gov
Subject	Fwd: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 10:24:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 10:25:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/9/2021 10:25:03.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 9:50:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov

Record 1614

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, mkelsch@nd.gov
Subject	FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 7:43:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 7:43:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 7:43:00.000 AM

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We welcome any feedback and if you have any questions or concerns, please do not hesitate to contact me. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	16050.docx, 16051.docx

Record 1615

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Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, mkelsch@nd.gov
Subject	FW: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET
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Attachments	12700.docx, 12701.docx

Record 1616

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Sender Email	wstenehjem@nd.gov
Recipients	jodi.smith@nd.gov, tbeadle@nd.gov
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Attachments	16048.docx, 16049.docx

Record 1617

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Recipients	jodi.smith@nd.gov, tbeadle@nd.gov
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Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 7:45:00.000 AM

Body	Jodi and Tom. Do either of you have any comments or recommendations on this proposed letter? I note this, or a similar letter, is being circulated to State Treasurers around the country. Wayne N.B. the short turn-around on this letter. **From:** Melissa Holyoak <melissaholyoak@agutah.gov> **Sent:** Friday, December 10, 2021 12:52 AM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov>; Cecilia Lesmes <clesmes@agutah.gov> **Subject:** RE: ERISA ESG Comment Letter -- Deadline 12/13 at 6 pm ET ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello All, Attached are a redline and clean version of the ERISA comments letter with some revisions. Many thanks to Arkansas and Idaho for already joining! Please reach out with any questions/comments. Thanks! Melissa **From:** Melissa Holyoak **Sent:** Wednesday, December 8, 2021 4:58 PM **To:** Bowdre, Barrett <Barrett.Bowdre@AlabamaAG.gov>; cori.mills@alaska.gov; ninia.dizon@alaska.gov; Beau.Roysden <Beau.Roysden@azag.gov>; nicholas.bronni@arkansasag.gov; vincent.wagner@arkansasag.gov; henry.whitaker@myfloridalegal.com; daniel.bell@myfloridalegal.com; james.percival@myfloridalegal.com; jeffrey.desousa@myfloridalegal.com; christopher.baum@myfloridalegal.com; Jordan Watson <JWatson@LAW.GA.GOV>; Montgomery, Eric <Eric.Montgomery@ag.ks.gov>; Carswell, Dwight <Dwight.Carswell@ag.ks.gov>; Wiard, Kurtis <Kurtis.Wiard@ag.ks.gov>; Coatney, Denise <Denise.Coatney@ag.ks.gov>; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Jennifer Lewis <jennifer.lewis@oag.ok.gov>; Maranda Spears <Maranda.Spears@oag.ok.gov>; Judy Mitchell <judy.mitchell@wyo.gov>; brian.kane@ag.idaho.gov; Tom.Fisher@atg.in.gov; Kian.Hudson@atg.in.gov; julia.payne@atg.in.gov; Brant.Laue@ag.ks.gov; jeff.chanay <jeff.chanay@ag.ks.gov>; matt.kuhn@ky.gov; murrillE@ag.louisiana.gov; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; John Coghlan <John.Coghlan@ago.ms.gov>; John.Sauer@ago.mo.gov; David.Dewhirst@mt.gov; Christian.Corrigan@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; mithun.mansinghani@oag.ok.gov; Esmith@scag.gov; Steven.Blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Judd.Stone@oag.texas.gov; aaron.reitz@oag.texas.gov; Grant.Dorfman@oag.texas.gov; Lindsay.S.See@wvago.gov; ryan.schelhaas@wyo.gov; james.kaste@wyo.gov; Christopher, Blake R (KYOAG) <blake.christopher@ky.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>; Stephen Petrany <SPetrany@LAW.GA.GOV>; 'Matt Gates' <MGates@scag.gov>; Webster, Brent <Brent.Webster@oag.texas.gov>; 'LaCour Eddie' <elacour@ago.state.al.us>; Thomas Hydrick <ThomasHydrick@scag.gov>; Robert D. Cheren <Robert.D.Cheren@wvago.gov> **Cc:** Virginia Brooks <virginiabrooks@agutah.gov>; Aaron Waite <aaronmwaite@agutah.gov> **Subject:** ERISA ESG Comment Letter -- Deadline 12/13 at 3 pm ET Hello All, Attached is a draft comments letter in response to a revised DOL rule regarding ERISA plan sponsors' obligations relating to ESG investments. The letter argues that these investments are often misleading and administratively costly and should not be encouraged. The administration also does not provide justification for departure from the current rules that went into effect early 2021. The current rules clarify that only pecuniary factors can be considered when investing. **I apologize for the short turnaround but we need joins by Monday December 13 at 6 pm ET.** Also, please note that we worked with our state Treasurer on this letter. He is circulating to treasurers from other states to see if they would like to add their signatures. We welcome any feedback and if you have any questions or concerns, please do not hesitate to contact me. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov Confidentiality Notice: The information contained in this email and the documents attached hereto contain confidential information intended only for the use of the intended recipients. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly prohibited. If you have received this communication in error, please immediately notify me by reply email.
Attachments	12698.docx, 12699.docx

Record 1618

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov
Subject	RE: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:19:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:19:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:19:00.000 AM

Body	And…..? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Friday, December 10, 2021 8:17 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: open records question This has been an issue for months. I've talked to this board member. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 9, 2021 10:25 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Fwd: open records question Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 9:50:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov

Record 1619

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov
Subject	RE: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:19:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:19:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:19:00.000 AM

Body	And…..? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Friday, December 10, 2021 8:17 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: open records question This has been an issue for months. I've talked to this board member. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, December 9, 2021 10:25 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Fwd: open records question Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 9:50:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov

Record 1620

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jlee@nd.gov
Subject	RE: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:50:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:50:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:50:00.000 AM
Body	Thanks, Judy, for the email. The Board if, of course a public entity subject to the open records and meetings laws. Mary Kelsch has addressed this issue with the board member you refer to, and I asked her about it. Here is what she said: "He was not a board member at the time of the executive session. The recording is exempt so it could be released to him if the board votes to release it to him. I believe he made a motion at a board meeting to listen to it and they voted NOT to release the recording to him." I hope this helps answer your question Wayne **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 8:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov

CC	mkelsch@nd.gov

Record 1621

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jlee@nd.gov
Subject	RE: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:50:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:50:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 8:50:00.000 AM
Body	Thanks, Judy, for the email. The Board if, of course a public entity subject to the open records and meetings laws. Mary Kelsch has addressed this issue with the board member you refer to, and I asked her about it. Here is what she said: "He was not a board member at the time of the executive session. The recording is exempt so it could be released to him if the board votes to release it to him. I believe he made a motion at a board meeting to listen to it and they voted NOT to release the recording to him." I hope this helps answer your question Wayne **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 8:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 Email: jlee@nd.gov
CC	mkelsch@nd.gov

Record 1622

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jlee@nd.gov
Subject	Re: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:17:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:18:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:18:03.000 AM

Body	You are not the only one that says that! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Friday, December 10, 2021 9:55:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Re: open records question I can't believe the dysfunction of that board! The # of incidents is astounding. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 10, 2021 8:50:51 AM **To:** Lee, Judy E. <jlee@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: open records question Thanks, Judy, for the email. The Board if, of course a public entity subject to the open records and meetings laws. Mary Kelsch has addressed this issue with the board member you refer to, and I asked her about it. Here is what she said: "He was not a board member at the time of the executive session. The recording is exempt so it could be released to him if the board votes to release it to him. I believe he made a motion at a board meeting to listen to it and they voted NOT to release the recording to him." I hope this helps answer your question Wayne **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 8:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 **Email:** jlee@nd.gov
CC	mkelsch@nd.gov

Record 1623

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jlee@nd.gov
Subject	Re: open records question
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:17:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:18:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:18:03.000 AM

Body	You are not the only one that says that! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Friday, December 10, 2021 9:55:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Re: open records question I can't believe the dysfunction of that board! The # of incidents is astounding. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 10, 2021 8:50:51 AM **To:** Lee, Judy E. <jlee@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: open records question Thanks, Judy, for the email. The Board if, of course a public entity subject to the open records and meetings laws. Mary Kelsch has addressed this issue with the board member you refer to, and I asked her about it. Here is what she said: "He was not a board member at the time of the executive session. The recording is exempt so it could be released to him if the board votes to release it to him. I believe he made a motion at a board meeting to listen to it and they voted NOT to release the recording to him." I hope this helps answer your question Wayne **From:** Lee, Judy E. <jlee@nd.gov> **Sent:** Thursday, December 9, 2021 8:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** open records question Are the records of Board of Higher Education meetings subject to open records requirements? How about executive session minutes? The BHE will not even let the new Board member listen to the recording of the June 30 meeting, when 2 Presidents were sent packing, although his term began July 1. Senator Judy Lee §44-04-18.6 **Email:** jlee@nd.gov
CC	mkelsch@nd.gov

Record 1624

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jnicolai@nd.gov, tcanderson@nd.gov, ddnelson@nd.gov, jwagendorf@nd.gov
Subject	Re: ND Indoor RV Park v. State of North Dakota et al
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:12:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:13:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:13:12.000 AM

Body	§44-04-19.1 Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Nicolai, James E. <jnicolai@nd.gov> **Sent:** Friday, December 10, 2021 12:11:55 PM **To:** Anderson, Tag C. <tcanderson@nd.gov>; Nelson, Douglas D. <ddnelson@nd.gov>; Wagendorf, Julie L. <jwagendorf@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Hamilton, Melissa J. <mejhamilton@nd.gov> **Subject:** ND Indoor RV Park v. State of North Dakota et al Hi Tag, Doug and Julie. §44-04-19.1 Thanks! Jim **James E. Nicolai** **Deputy Solicitor General** **ND Office of Attorney General** **500 North 9th Street** **Bismarck, ND 58501-4509** **Telephone: (701) 328-3640** **Email** jnicolai@nd.gov **The information contained in this message may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient of this message and have received this transmittal by mistake, please do not distribute or copy the communication. Instead, I would appreciate it if you would notify me at the Office of Attorney General immediately by telephone at (701) 328-3640. Thank you for your cooperation.**
CC	tseibel@nd.gov, masagsve@nd.gov, mejhamilton@nd.gov

Record 1625

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jnicolai@nd.gov, tcanderson@nd.gov, ddnelson@nd.gov, jwagendorf@nd.gov
Subject	Re: ND Indoor RV Park v. State of North Dakota et al
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:12:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:13:12.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 11:13:12.000 AM

Body	§44-04-19.1 Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Nicolai, James E. <jnicolai@nd.gov> **Sent:** Friday, December 10, 2021 12:11:55 PM **To:** Anderson, Tag C. <tcanderson@nd.gov>; Nelson, Douglas D. <ddnelson@nd.gov>; Wagendorf, Julie L. <jwagendorf@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Hamilton, Melissa J. <mejhamilton@nd.gov> **Subject:** ND Indoor RV Park v. State of North Dakota et al Hi Tag, Doug and Julie. §44-04-19.1 Thanks! Jim **James E. Nicolai** **Deputy Solicitor General** **ND Office of Attorney General** **500 North 9th Street** **Bismarck, ND 58501-4509** **Telephone: (701) 328-3640** **Email** jnicolai@nd.gov **The information contained in this message may be privileged and confidential. It is intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient of this message and have received this transmittal by mistake, please do not distribute or copy the communication. Instead, I would appreciate it if you would notify me at the Office of Attorney General immediately by telephone at (701) 328-3640. Thank you for your cooperation.**
CC	tseibel@nd.gov, masagsve@nd.gov, mejhamilton@nd.gov

Record 1626

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	karen.white@agalliance.org
Subject	RE: CWAG AG Home Addresses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:39:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:39:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:39:00.000 PM

Body	My god, you are quick!! Wayne **From:** Karen White <karen.white@agalliance.org> **Sent:** Friday, December 10, 2021 4:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CWAG AG Home Addresses ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance **From:** Karen White <karen.white@agalliance.org> **Date:** Monday, December 7, 2020 at 1:53 PM **To:** Wayne Stenehjem <wstenehjem@nd.gov> **Cc:** Wayne Stenehjem <wstenehjem@nd.gov> **Subject:** CWAG AG Home Addresses Updated this morning to include any recent changes. **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance
Attachments	image001[14293].png, image002[14294].png, image003[14295].png, image004[14296].png, image005[14297].png, image006[14298].png, image007[14299].png, image008[14300].png

Record 1627

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	karen.white@agalliance.org
Subject	RE: CWAG AG Home Addresses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:39:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:39:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 4:39:00.000 PM

Body	My god, you are quick!! Wayne **From:** Karen White <karen.white@agalliance.org> **Sent:** Friday, December 10, 2021 4:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CWAG AG Home Addresses ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance **From:** Karen White <karen.white@agalliance.org> **Date:** Monday, December 7, 2020 at 1:53 PM **To:** Wayne Stenehjem <wstenehjem@nd.gov> **Cc:** Wayne Stenehjem <wstenehjem@nd.gov> **Subject:** CWAG AG Home Addresses Updated this morning to include any recent changes. **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance
Attachments	image001[10812].png, image002[10813].png, image003[10814].png, image004[10815].png, image005[10816].png, image006[10817].png, image007[10818].png, image008[10819].png

Record 1628

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, tseibel@nd.gov
Subject	Re: Thanks!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:48:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:06.000 PM

Body	You are a valuable asset both to our office and to NAAG! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Friday, December 10, 2021 5:54:42 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Thanks! Thank you, both, for allowing me to attend the Capitol Forum! It's nice, on occasion, to swim next to the big fish. I did not realize that NAAG does not serve chipped beef on toast at all trainings. Wayne, I really enjoyed your comments about landing the airplane with the lights on… *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 1629

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, tseibel@nd.gov
Subject	Re: Thanks!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:48:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:05.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:06.000 PM

Body	You are a valuable asset both to our office and to NAAG! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Friday, December 10, 2021 5:54:42 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Thanks! Thank you, both, for allowing me to attend the Capitol Forum! It's nice, on occasion, to swim next to the big fish. I did not realize that NAAG does not serve chipped beef on toast at all trainings. Wayne, I really enjoyed your comments about landing the airplane with the lights on… *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov *Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Record 1630

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jverleger@nd.gov
Subject	Re: Wilkinson District Court Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:57.000 PM

Body	Great job,Jen!! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Verleger, Jennifer L. <jverleger@nd.gov> **Sent:** Friday, December 10, 2021 5:01:35 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Wilkinson District Court Order Wayne: We got an order prevailing in Wilkinson this afternoon from the district court, but are having trouble with the file size of the signed order. So attached is the unsigned version I submitted that Judge Jacobson adopted. Jen Jennifer Verleger, P.E. Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501 (701) 328-3537
CC	tseibel@nd.gov, lbrocker@nd.gov

Record 1631

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jverleger@nd.gov
Subject	Re: Wilkinson District Court Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 5:49:57.000 PM
Body	Great job,Jen!! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Verleger, Jennifer L. <jverleger@nd.gov> **Sent:** Friday, December 10, 2021 5:01:35 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Wilkinson District Court Order Wayne: We got an order prevailing in Wilkinson this afternoon from the district court, but are having trouble with the file size of the signed order. So attached is the unsigned version I submitted that Judge Jacobson adopted. Jen Jennifer Verleger, P.E. Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501 (701) 328-3537
CC	tseibel@nd.gov, lbrocker@nd.gov

Record 1632

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rcmiller@nd.gov
Subject	RE: Winner tonight

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 3:23:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 3:23:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 3:23:00.000 AM
Body	Wonderful! Wayne **From:** Miller, Randall C. <rcmiller@nd.gov> **Sent:** Saturday, December 11, 2021 10:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Winner tonight Hi Wayne. Merry Christmas early to a lucky ND Lottery player…see email below. $100,000 winner tonight! Randy Get Outlook for iOS **From:** Martin, Jody E. <jodmartin@nd.gov> **Sent:** Saturday, December 11, 2021 10:20 PM **To:** -Grp-AG Lottery **Subject:** Winner tonight Hello, We had a $100,000 Powerball with Powerplay winner tonight. Thank you~ Jody North Dakota Lottery Lottery Draw Operator jodmartin@nd.gov

Record 1633

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rcmiller@nd.gov
Subject	RE: Winner tonight
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 3:23:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 3:23:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 3:23:00.000 AM

Body	Wonderful! Wayne **From:** Miller, Randall C. <rcmiller@nd.gov> **Sent:** Saturday, December 11, 2021 10:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Winner tonight Hi Wayne. Merry Christmas early to a lucky ND Lottery player...see email below. $100,000 winner tonight! Randy Get Outlook for iOS **From:** Martin, Jody E. <jodmartin@nd.gov> **Sent:** Saturday, December 11, 2021 10:20 PM **To:** -Grp-AG Lottery **Subject:** Winner tonight Hello, We had a $100,000 Powerball with Powerplay winner tonight. Thank you~ Jody North Dakota Lottery Lottery Draw Operator jodmartin@nd.gov

Record 1634

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Wilkinson District Court Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:16:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:16:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:16:00.000 AM
Body	Will you print this on the big printer please/ w **From:** Verleger, Jennifer L. <jverleger@nd.gov> **Sent:** Friday, December 10, 2021 4:02 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Wilkinson District Court Order Wayne: We got an order prevailing in Wilkinson this afternoon from the district court, but are having trouble with the file size of the signed order. So attached is the unsigned version I submitted that Judge Jacobson adopted. Jen Jennifer Verleger, P.E. Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501 (701) 328-3537
Attachments	16047.pdf

Record 1635

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Wilkinson District Court Order

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:16:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:16:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:16:00.000 AM
Body	Will you print this on the big printer please/ w **From:** Verleger, Jennifer L. <jverleger@nd.gov> **Sent:** Friday, December 10, 2021 4:02 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Wilkinson District Court Order Wayne: We got an order prevailing in Wilkinson this afternoon from the district court, but are having trouble with the file size of the signed order. So attached is the unsigned version I submitted that Judge Jacobson adopted. Jen Jennifer Verleger, P.E. Assistant Attorney General 500 N. 9th Street Bismarck, ND 58501 (701) 328-3537
Attachments	12697.pdf

Record 1636

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:51:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:51:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:51:00.000 AM

Body	**From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, December 13, 2021 9:27 AM **To:** -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov>; -Grp-AG Capitol 1st Floor <agcap1@nd.gov> **Subject:** Food Collection Challenge Hello everyone, **Our Food Collection Challenge ends tomorrow!** Please consider donating if you haven't already done so – we look forward to seeing how we compared to other agencies and it all is for a great cause. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, December 6, 2021 4:47 PM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** Food Collection Challenge REMINDER – we are participating the Food Collection Challenge as well! Please consider donating non-perishable food items to help those in need in our area (and compete with other agencies). Thank you to everyone who has donated already – our tree doesn't look as lonely as it did last week but if you haven't donated yet, please consider doing so! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Tuesday, November 30, 2021 8:52 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Food Collection Challenge Good morning everyone, The Office of the State Auditor has challenged our office in a **collection of food** for people in need. Can you help? Here's how it works: 1. Each location (Capitol 1st Floor, Capitol 17th Floor, AG South, BCI, and Medicare) will have an empty box ready for you to put your donated items in. 2. **Collect as much non-perishable food** as you can. We'll divide the number of food we collect by the number of people in our agency and average for our total. (This makes it fair for smaller agencies to compete against larger agencies) 3. Food collection will run from **Tuesday the 30th of November, until Tuesday the 14th of December**. On Thursday the 16th, we will **drop off the food donations to the Bismarck Emergency Food Pantry** (1012 S 12th St, Bismarck, ND 58504) between 1 p.m. and 4 p.m. Let's donate some food for people in need! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**
Attachments	image001[14603].jpg

Record 1637

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: Food Collection Challenge
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:51:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:51:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 9:51:00.000 AM

Body	**From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, December 13, 2021 9:27 AM **To:** -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov>; -Grp-AG Capitol 1st Floor <agcap1@nd.gov> **Subject:** Food Collection Challenge Hello everyone, **Our Food Collection Challenge ends tomorrow!** Please consider donating if you haven't already done so – we look forward to seeing how we compared to other agencies and it all is for a great cause. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Monday, December 6, 2021 4:47 PM **To:** -Grp-AG Capitol 1st Floor <agcap1@nd.gov>; -Grp-AG Capitol Ground Floor <agcapgrd@nd.gov> **Subject:** Food Collection Challenge REMINDER – we are participating the Food Collection Challenge as well! Please consider donating non-perishable food items to help those in need in our area (and compete with other agencies). Thank you to everyone who has donated already – our tree doesn't look as lonely as it did last week but if you haven't donated yet, please consider doing so! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256** **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Tuesday, November 30, 2021 8:52 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Food Collection Challenge Good morning everyone, The Office of the State Auditor has challenged our office in a **collection of food** for people in need. Can you help? Here's how it works: 1. Each location (Capitol 1st Floor, Capitol 17th Floor, AG South, BCI, and Medicare) will have an empty box ready for you to put your donated items in. 2. **Collect as much non-perishable food** as you can. We'll divide the number of food we collect by the number of people in our agency and average for our total. (This makes it fair for smaller agencies to compete against larger agencies) 3. Food collection will run from **Tuesday the 30th of November, until Tuesday the 14th of December**. On Thursday the 16th, we will **drop off the food donations to the Bismarck Emergency Food Pantry** (1012 S 12th St, Bismarck, ND 58504) between 1 p.m. and 4 p.m. Let's donate some food for people in need! Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**
Attachments	image001[11149].jpg

Record 1638

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:08:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:08:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:07:00.000 AM

Body	This is a cert petition, with a one day deadline. We will pass and see whether we want to participate if cert is granted. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 13, 2021 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Thiel, Jolene J. <jthiel@nd.gov> **Subject:** FW: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage Attached is a new amicus request drafted by Texas, regarding whether the immovable property exception applies to tribal sovereign immunity. Texas argues that the common law immovable property exception applies to tribes just as it does to State and other sovereigns. Deadline to sign on is December 14. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 13, 2021 8:26 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie.Thompson@oag.texas.gov **Subject:** Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts Attached is the amicus brief Texas has drafted in support of the cert petition in *Self v. Cher-Ae Heights Indian Community* (U.S.). The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief argues that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Friday, December 3, 2021 3:46 PM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie Thompson <Natalie.Thompson@oag.texas.gov>; Judd Stone <Judd.Stone@oag.texas.gov> **Subject:** Forthcoming Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage To: Civil Amicus Contacts Texas is drafting an amicus brief in support of the attached cert petition. The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief will argue that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will have the draft ready next week. It's due December 15, so Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov.

Record 1639

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:08:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:08:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 11:07:00.000 AM

Body	This is a cert petition, with a one day deadline. We will pass and see whether we want to participate if cert is granted. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 13, 2021 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Thiel, Jolene J. <jthiel@nd.gov> **Subject:** FW: Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage Attached is a new amicus request drafted by Texas, regarding whether the immovable property exception applies to tribal sovereign immunity. Texas argues that the common law immovable property exception applies to tribes just as it does to State and other sovereigns. Deadline to sign on is December 14. Matt **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 13, 2021 8:26 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie.Thompson@oag.texas.gov **Subject:** Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts Attached is the amicus brief Texas has drafted in support of the cert petition in *Self v. Cher-Ae Heights Indian Community* (U.S.). The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief argues that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Friday, December 3, 2021 3:46 PM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Natalie Thompson <Natalie.Thompson@oag.texas.gov>; Judd Stone <Judd.Stone@oag.texas.gov> **Subject:** Forthcoming Amicus Brief in Self v. Cher-Ae Heights Indian Community (U.S.) -- cert-stage To: Civil Amicus Contacts Texas is drafting an amicus brief in support of the attached cert petition. The question presented is whether the immovable property exception applies to tribal sovereign immunity. Texas's brief will argue that the common law immovable property exception applies to tribes just as it does to States and other sovereigns. Texas will have the draft ready next week. It's due December 15, so Texas will need all joins by COB on December 14. To join, you may contact Assistant SG Natalie Thompson at Natalie.Thompson@oag.texas.gov.

Record 1640

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, maiolson@nd.gov
Subject	RE: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:20:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:20:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:20:00.000 PM

Body	Thanks so much, Paul. Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, December 13, 2021 5:13 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** North Dakota's Opening Merits Brief has now been filed with the US Supreme Court and served on all other counsel of record. I will have printed hard copies of the ND Brief for you in the near future and I will forward electronic copies of all other briefs filed today once all served. Thanks Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Sent:** Monday, December 13, 2021 4:02 PM **To:** agrossman@bakerlaw.com; yroth@JonesDay.com; bbrinkmann@cov.com; sean@donahuegoldberg.com; elin@HuntonAK.com; SupremeCtBriefs@USDOJ.gov; ECSchilling@hollandhart.com; misha.tseytlin@troutman.com; Barbara.underwood@ag.ny.gov; Brett.Nolan@ky.gov; chad.meredith@ky.gov; mnasi@jw.com; steven.wu@ag.ny.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; caleb.a.seckman@wvago.gov; Tina Van Bockern <TRVanBockern@hollandhart.com> **Cc:** Tieslau, Matt (Assoc-DEN-Env) <tieslaum@gtlaw.com> **Subject:** No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA) All - Attached please find the Opening Merits Brief of Petitioner North Dakota in *West Virginia et al v. EPA*, No. 20-1530 (North Dakota's original petition in 20-1780). I have also attached a certificate of compliance and affidavit of service, which we filed (along with the brief) today with the Supreme Court. Regards Paul Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, lbrocker@nd.gov

Record 1641

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, maiolson@nd.gov
Subject	RE: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:20:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:20:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/13/2021 8:20:00.000 PM

Body	Thanks so much, Paul. Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, December 13, 2021 5:13 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Olson, Margaret I. <maiolson@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** North Dakota's Opening Merits Brief has now been filed with the US Supreme Court and served on all other counsel of record. I will have printed hard copies of the ND Brief for you in the near future and I will forward electronic copies of all other briefs filed today once all served. Thanks Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Sent:** Monday, December 13, 2021 4:02 PM **To:** agrossman@bakerlaw.com; yroth@JonesDay.com; bbrinkmann@cov.com; sean@donahuegoldberg.com; elin@HuntonAK.com; SupremeCtBriefs@USDOJ.gov; ECSchilling@hollandhart.com; misha.tseytlin@troutman.com; Barbara.underwood@ag.ny.gov; Brett.Nolan@ky.gov; chad.meredith@ky.gov; mnasi@jw.com; steven.wu@ag.ny.gov; Lindsay.S.See@wvago.gov; Thomas.T.Lampman@wvago.gov; caleb.a.seckman@wvago.gov; Tina Van Bockern <TRVanBockern@hollandhart.com> **Cc:** Tieslau, Matt (Assoc-DEN-Env) <tieslaum@gtlaw.com> **Subject:** No. 20-1530: West Virginia, et al. v. EPA, et al. (U.S. Supreme Court); North Dakota's Opening Merits Brief (Original Petition in 20-1780, North Dakota v. EPA) All - Attached please find the Opening Merits Brief of Petitioner North Dakota in *West Virginia et al v. EPA*, No. 20-1530 (North Dakota's original petition in 20-1780). I have also attached a certificate of compliance and affidavit of service, which we filed (along with the brief) today with the Supreme Court. Regards Paul Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov, lbrocker@nd.gov

Record 1642

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	karen.white@agalliance.org
Subject	RE: CWAG AG Home Addresses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:31:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:31:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:31:00.000 AM

Body	Do you have a home address for Treg Taylor? Also for Tegan? Wayne **From:** Karen White <karen.white@agalliance.org> **Sent:** Friday, December 10, 2021 4:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CWAG AG Home Addresses ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance **From:** Karen White <karen.white@agalliance.org> **Date:** Monday, December 7, 2020 at 1:53 PM **To:** Wayne Stenehjem <wstenehjem@nd.gov> **Cc:** Wayne Stenehjem <wstenehjem@nd.gov> **Subject:** CWAG AG Home Addresses Updated this morning to include any recent changes. **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance
Attachments	image001[14617].png, image002[14618].png, image003[14619].png, image004[14620].png, image005[14621].png, image006[14622].png, image007[14623].png, image008[14624].png

Record 1643

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	karen.white@agalliance.org
Subject	RE: CWAG AG Home Addresses
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:31:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:31:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 8:31:00.000 AM

Body	Do you have a home address for Treg Taylor? Also for Tegan? Wayne **From:** Karen White <karen.white@agalliance.org> **Sent:** Friday, December 10, 2021 4:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: CWAG AG Home Addresses ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance **From:** Karen White <karen.white@agalliance.org> **Date:** Monday, December 7, 2020 at 1:53 PM **To:** Wayne Stenehjem <wstenehjem@nd.gov> **Cc:** Wayne Stenehjem <wstenehjem@nd.gov> **Subject:** CWAG AG Home Addresses Updated this morning to include any recent changes. **Karen White** Executive Director | AG Alliance and Conference of Western Attorneys General ☎ O +1.916-478-0075 | C +1.916-833-2603 (Preferred) | www.agalliance.org 5050 Laguna Blvd., Ste. 112-323, Elk Grove, CA 95758 Facebook | Twitter | LinkedIn | #AGAlliance
Attachments	image001[11180].png, image002[11181].png, image003[11182].png, image004[11183].png, image005[11184].png, image006[11185].png, image007[11186].png, image008[11187].png

Record 1644

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 5:14:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 5:14:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 5:14:00.000 PM

Body

I am fine with joining this letter on your recommendation.
Please advise them accordingly, if you would.
Wayne

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Tuesday, December 14, 2021 4:53 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

I earlier made a recommendation to join in this letter. Attached is the state sign-on status of 28 states. I certainly am OK if you do not wish to join and simply wanted to follow up. Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

From: Todd Leatherman <tleatherman@naag.org>
Sent: Tuesday, December 14, 2021 4:02 PM
To: Todd Leatherman <tleatherman@naag.org>
Cc: Ryan Greenstein <rgreenstein@naag.org>
Subject: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

CP Chiefs: Please see the attached and below from Ryan Greenstein. Ryan's email has also been sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants.

Best,

Todd

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

At the request of several offices, a minor change has been made to the attached draft letter. Your office does not need to rejoin the letter following this change.

If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

Body

From: Ryan Greenstein
Sent: Monday, December 13, 2021 9:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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As a reminder, if you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Please see the below in the attached "CFPB Comment Letter Packet":

1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017).
2. Dear Colleague letter from Attorneys General Rosenblum and Wasden
3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002

If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543.

23 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Sunday, December 5, 2021 9:04 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: Deadline Extension: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:

In response to a request from the lead offices, the CFPB has extended the deadline for comments. If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **5:00pm ET on Thursday, December 16th.**

Please see the below in the attached "CFPB Comment Letter Packet":

1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017).
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11 attorneys general have joined the letter. For an update on signatories, you may access policy letters'

Body	status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, December 2, 2021 2:28 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov> **Subject:** Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** Please note, this was determined based on the CFPB's deadline for responses. The lead sponsors have asked the CFPB for additional submission time as well. Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org Todd E. Leatherman Program Counsel, NAGTRI Center for Consumer Protection National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
Attachments	image001[14672].png, image002[14673].png, image003[14674].png, image004[14675].png, image005[14676].jpg, image006[14677].png

Record 1645

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 5:14:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 5:14:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/14/2021 5:14:00.000 PM

Body

I am fine with joining this letter on your recommendation.
Please advise them accordingly, if you would.
Wayne

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Tuesday, December 14, 2021 4:53 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

I earlier made a recommendation to join in this letter. Attached is the state sign-on status of 28 states. I certainly am OK if you do not wish to join and simply wanted to follow up. Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

From: Todd Leatherman <tleatherman@naag.org>
Sent: Tuesday, December 14, 2021 4:02 PM
To: Todd Leatherman <tleatherman@naag.org>
Cc: Ryan Greenstein <rgreenstein@naag.org>
Subject: CP Chiefs: RE: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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Todd

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Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

Body

From: Ryan Greenstein
Sent: Monday, December 13, 2021 9:23 AM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: REMINDER: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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Please see the below in the attached "CFPB Comment Letter Packet":

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23 attorneys general have joined the letter. For an update on signatories, you may access policy letters' status at this link.

Ryan Greenstein
Legislative Director and
Special Assistant to the Executive Director
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6262
rgreenstein@naag.org
www.naag.org

From: Ryan Greenstein
Sent: Sunday, December 5, 2021 9:04 PM
To: Ryan Greenstein <rgreenstein@naag.org>
Cc: Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov>
Subject: Deadline Extension: Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms

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11 attorneys general have joined the letter. For an update on signatories, you may access policy letters'

Body	status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org **From:** Ryan Greenstein **Sent:** Thursday, December 2, 2021 2:28 PM **To:** Ryan Greenstein <rgreenstein@naag.org> **Cc:** Ferretti Joseph <joseph.ferretti@doj.state.or.us>; Chapple Knowlton, Shantel <shantel.knowlton@ag.idaho.gov> **Subject:** Sign-On Opportunity: Comment Letter to CFPB re: Big Tech Payment Platforms *This message is being sent to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* If you'd like to sign-on to the attached letter, please return the response form to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** Please note, this was determined based on the CFPB's deadline for responses. The lead sponsors have asked the CFPB for additional submission time as well. Please see the below in the attached "CFPB Comment Letter Packet": 1. Draft comment letter in response to the Consumer Financial Protection Bureau's (CFPB) request for comments on its inquiry into Big Tech Payment Platforms (Docket No. CFPB-2021-0017). 2. Dear Colleague letter from Attorneys General Rosenblum and Wasden 3. Response Form: Please return to Ryan Greenstein by email at rgreenstein@naag.org by **12:00pm ET on Monday, December 6th.** The request for comments is available at https://www.regulations.gov/document/CFPB-2021-0017-0002 If you have any questions about the letter, please do not hesitate to contact Joe Ferretti of Oregon at joseph.ferretti@doj.state.or.us or (971) 673-5040 or Shantel Chapple Knowlton of Idaho at shantel.knowlton@ag.idaho.gov or (208) 334-4543. For an update on signatories, you may access policy letters' status at this link. Ryan Greenstein Legislative Director and Special Assistant to the Executive Director National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6262 rgreenstein@naag.org www.naag.org Todd E. Leatherman Program Counsel, NAGTRI Center for Consumer Protection National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
Attachments	image001[11205].png, image002[11206].png, image003[11207].png, image004[11208].png, image005[11209].jpg, image006[11210].png

Record 1646

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Sheriff Frank Landeis
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:10:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:10:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:10:00.000 AM

Body	Will you draft a commendatory letter for Sheriff Landeis [before Dec. 30] Wayne **From:** Donnell Preskey Hushka <donnell.preskey@ndaco.org> **Sent:** Wednesday, December 15, 2021 10:56 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Beehler, Jace <jabeehler@nd.gov> **Subject:** FW: Sheriff Frank Landeis ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne and Jace, I thought both of your offices may like to know about the retirement of Sioux County Sheriff Frank Landeis. Sheriff Landeis has ran a one man department – he has had no deputies and also serves his county in other capacities as well. He's been Sheriff for 27 years! He is retiring at the end of the year. Information on a celebration honoring his service is below. Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org **From:** Donnell Preskey Hushka <donnell.preskey@ndaco.org> **Sent:** Monday, December 13, 2021 3:06 PM **To:** Sheriffs <Sheriffs@ndaco.org> **Subject:** Sheriff Frank Landeis Sheriffs, I've been asked to pass on that Sioux County Sheriff Frank Landeis is retiring after 30 some years. He is actually our longest-serving Sheriff in ND. They will have an open house honoring Sheriff Landeis on December 30th starting at 1 p.m. in the Sioux County Courthouse. 303 2nd Ave Fort Yates, ND Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org

Record 1647

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Sheriff Frank Landeis
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:10:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:10:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:10:00.000 AM

Body	Will you draft a commendatory letter for Sheriff Landeis [before Dec. 30] Wayne **From:** Donnell Preskey Hushka <donnell.preskey@ndaco.org> **Sent:** Wednesday, December 15, 2021 10:56 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Beehler, Jace <jabeehler@nd.gov> **Subject:** FW: Sheriff Frank Landeis ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne and Jace, I thought both of your offices may like to know about the retirement of Sioux County Sheriff Frank Landeis. Sheriff Landeis has ran a one man department – he has had no deputies and also serves his county in other capacities as well. He's been Sheriff for 27 years! He is retiring at the end of the year. Information on a celebration honoring his service is below. Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org **From:** Donnell Preskey Hushka <donnell.preskey@ndaco.org> **Sent:** Monday, December 13, 2021 3:06 PM **To:** Sheriffs <Sheriffs@ndaco.org> **Subject:** Sheriff Frank Landeis Sheriffs, I've been asked to pass on that Sioux County Sheriff Frank Landeis is retiring after 30 some years. He is actually our longest-serving Sheriff in ND. They will have an open house honoring Sheriff Landeis on December 30th starting at 1 p.m. in the Sioux County Courthouse. 303 2nd Ave Fort Yates, ND Thanks, Donnell Preskey Hushka NDACo Government / Public Affairs Specialist Executive Director ND Auditor's & Treasurer's Association Executive Director ND Sheriff's & Deputies Association Desk: 701-328-7300 Cell: 701-220-6607 donnell.preskey@ndaco.org www.ndaco.org

Record 1648

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	MurrillE@ag.louisiana.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:12:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:12:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:12:00.000 AM

Body

Elizabeth.
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Body

Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>;

Body

Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov;

Body

Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Thursday, December 09, 2021 11:54 AM
To: Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <

Body	Barrett Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Lane@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Lane@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See **Published rule**, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:12:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:12:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:12:00.000 AM

Body

Elizabeth.
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Body

Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

(605)773-4106

david.mcvey@state.sd.us

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Body

Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; laccarino, Carmine G (KYOAG) <Carmine.laccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

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Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov;

Body

Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <Alexander.Magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

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Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD.

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:02 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagsve@nd.gov <masagsve@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

Louisiana is in the process of drafting a compliant. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others).

We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I donâ€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week.

We welcome all joiners.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Thursday, December 09, 2021 11:54 AM
To: Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <

Body	Barrett Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Lane@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Lane@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See **Published rule**, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	tseibel@nd.gov, masagsve@nd.gov

Record 1650

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: □□ COVID-Testing May Be Required For Travel: Time To Prepare for Your Trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:00.000 AM

Body

Uh oh
w

From: Delta Air Lines <DeltaAirLines@o.delta.com>
Sent: Wednesday, December 15, 2021 9:41 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: ⚠ COVID-Testing May Be Required For Travel: Time To Prepare for Your Trip

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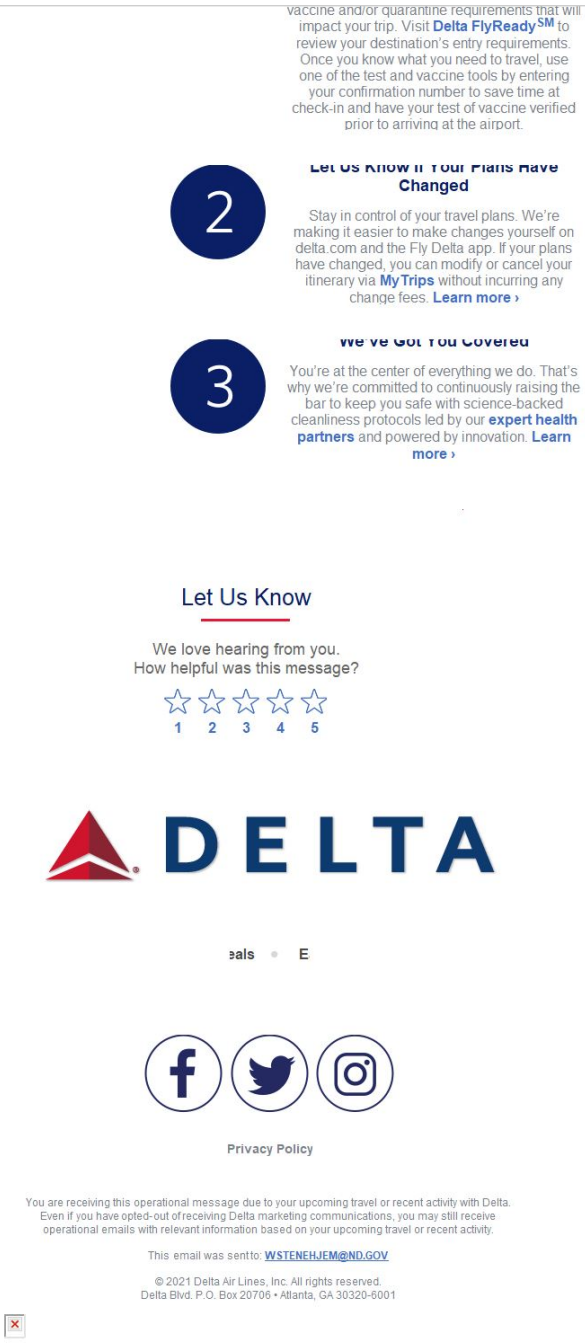
Your upcoming trip is quickly approaching, and we want to make sure you're pre

1

Visit Delta FlyReady to review your destination's travel requirements and use the test or vaccine tool for early verification

Many destinations have COVID-19 test,

Body	

Record 1651

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: □□ COVID-Testing May Be Required For Travel: Time To Prepare for Your Trip
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:43.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:16:00.000 AM

Body

Uh oh
w

From: Delta Air Lines <DeltaAirLines@o.delta.com>
Sent: Wednesday, December 15, 2021 9:41 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: ⚠ COVID-Testing May Be Required For Travel: Time To Prepare for Your Trip

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DELTA

#[redacted]
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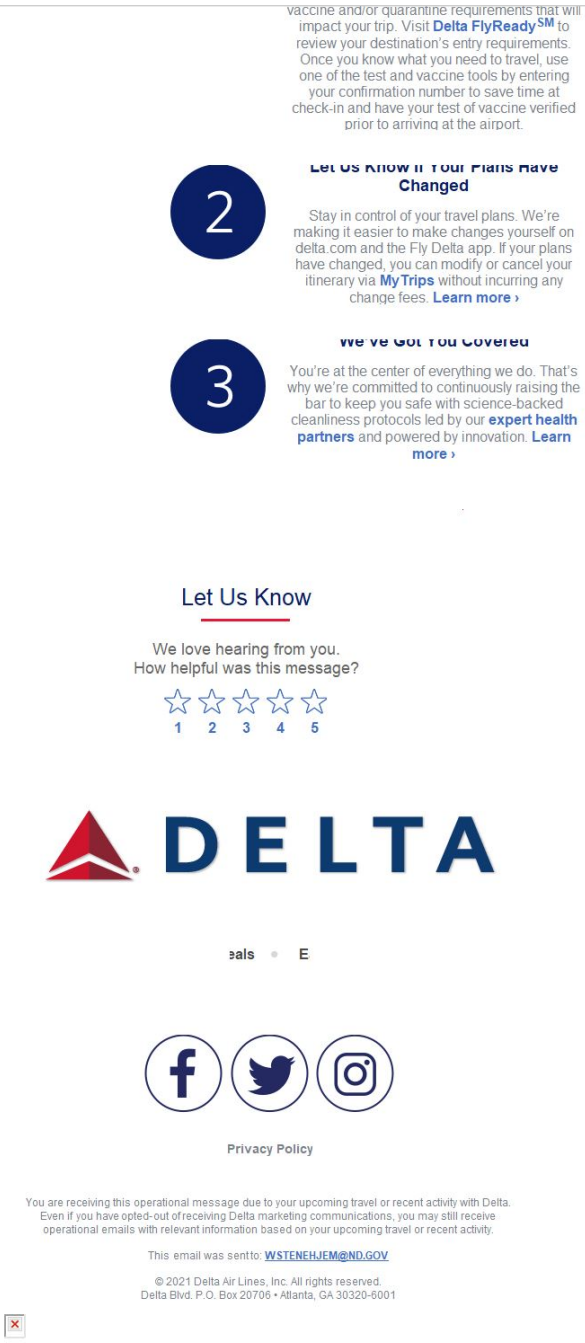
Your upcoming trip is quickly approaching, and we want to make sure you're pre

1

Visit Delta FlyReady to review your destination's travel requirements and use the test or vaccine tool for early verification

Many destinations have COVID-19 test,

Body	

Record 1652

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	MurrillE@ag.louisiana.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:28:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:28:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:28:00.000 AM

Body

If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We won't be filing today – too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
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Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagove@nd.gov <masagove@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

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Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <

Body	RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD. --- **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagove@nd.gov <masagove@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: ACF/OHS/HHS - Head Start Mandate Louisiana is in the process of drafting a complaint. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others). We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I doné€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners. --- **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <

Body	[redacted]; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohn7@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedland@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5670 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	masagsve@nd.gov, tseibel@nd.gov

Record 1653

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	MurrillE@ag.louisiana.gov
Subject	RE: ACF/OHS/HHS - Head Start Mandate
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:28:31.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:28:32.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 11:28:00.000 AM

Body

If you need a declaration of some sort from North Dakota, we can get one.
Just let me know.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 11:16 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks General! I will circulate revised Complaint this afternoon. We won't be filing today – too many moving parts. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 15, 2021 11:13 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,
North Dakota will also likely want to join you.
Thanks.
Wayne

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Wednesday, December 15, 2021 9:44 AM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Thanks!

From: McVey, David <David.McVey@state.sd.us>
Sent: Wednesday, December 15, 2021 9:43 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>;

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nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: RE: ACF/OHS/HHS - Head Start Mandate

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Elizabeth,

Here is a standing/parties edit for South Dakota:

The State of South Dakota is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of South Dakota and its citizens as *parens patriae*, by and through Jason R. Ravnsborg, the Attorney General of the State of South Dakota. The Attorney General is acting pursuant to his authority to appear for the State and prosecute any civil matter in which the State is a party or interested when, in his judgment, the welfare of the State demands. SDCL Â§1-11-1(2).

Thanks.

David

David M. McVey

Assistant Attorney General

Office of the Attorney General

1302 E. HWY 14, Suite 1

Pierre, SD 57501

(605)773-3215

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From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 1:09 PM
To: McVey, David <David.McVey@state.sd.us>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagrye@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

I will share this afternoon. Happy to take edits too. We are just compiling our notes from talking to Directors and teachers. If you have someone who has more to add or has special expertise in speech development and early childhood ed then just adapt.

From: McVey, David <David.McVey@state.sd.us>
Sent: Thursday, December 09, 2021 1:08 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon,

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Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov>

Subject: Re: ACF/OHS/HHS - Head Start Mandate

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SD will likely join LA. Elizabeth, can you share a draft declaration and I will see if I can find appropriate signatories.

David

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, December 9, 2021 12:39 PM
To: Judd Stone <Judd.Stone@oag.texas.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov <David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagove@nd.gov <masagove@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; Blair, Steven <Steven.Blair@state.sd.us>; Swedlund, Paul <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; McVey, David <David.McVey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov <jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov>
Subject: RE: [EXT] ACF/OHS/HHS - Head Start Mandate

Thanks.

From: Judd Stone <Judd.Stone@oag.texas.gov>
Sent: Thursday, December 09, 2021 12:31 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>
Cc: Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <

Body	RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohnJ@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagove@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] < Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** Re: ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Texas plans to file in the Lubbock Division today on behalf of Lubbock ISD. --- **From:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov> **Sent:** Thursday, December 9, 2021 12:02 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone <Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov >; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov < tom.fisher@atg.in.gov>; kian.hudson@atg.in.gov <kian.hudson@atg.in.gov>; jeff.chanay@ag.ks.gov < jeff.chanay@ag.ks.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney Lipscomb < Whitney.Lipscomb@ago.ms.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov < john.sauer@ago.mo.gov>; Justin.Smith@ago.mo.gov <Justin.Smith@ago.mo.gov>; David.Dewhirst@mt.gov < David.Dewhirst@mt.gov>; Jim.Campbell@nebraska.gov <Jim.Campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov < Anthony.J.Galdieri@doj.nh.gov>; wstenehjem@nd.gov <wstenehjem@nd.gov>; masagove@nd.gov < masagove@nd.gov>; tseibel@nd.gov <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov < zach.west@oag.ok.gov>; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us < Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov < Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson < Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov <nicholas.bronni@arkansasag.gov>; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] < Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; david.mcvey@state.sd.us <david.mcvey@state.sd.us>; Anthony.J.Galdieri@doj.nh.gov < Anthony.J.Galdieri@doj.nh.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov < jeff.chanay@ag.ks.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman < May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov <Brant.Laue@ag.ks.gov>; brian.kane@ag.idaho.gov < brian.kane@ag.idaho.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov < lindsay.s.see@wvago.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams < Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov <mithun.mansinghani@oag.ok.gov>; John Coghlan <John.Coghlan@ago.ms.gov> **Subject:** RE: ACF/OHS/HHS - Head Start Mandate Louisiana is in the process of drafting a complaint. We will have draft declarations available today. We have identified about 6 program directors willing to sign declarations (some more detailed than others). We plan to file in the Western District of La, which at this point is where most if not all our declarations will come from. As a practical matter, I doné€™t think we can get the Complaint and PI filed until next week so we are shooting for Tuesday of next week. We welcome all joiners. --- **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 09, 2021 11:54 AM **To:** Scott Stewart <Scott.Stewart@ago.ms.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Judd Stone < Judd.Stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov> **Cc:** Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett < Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) < jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <

Body	Brian Koysten@ag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; kian.hudson@atg.in.gov; jeff.chanay@ag.ks.gov; Brant.Laue@ag.ks.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph < StJohn7@ag.louisiana.gov>; Whitney Lipscomb <Whitney.Lipscomb@ago.ms.gov>; Justin Matheny < Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov; Justin.Smith@ago.mo.gov; David.Dewhirst@mt.gov; Jim.Campbell@nebraska.gov; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; tseibel@nd.gov; May Mailman <May.Mailman@OhioAGO.gov>; mithun.mansinghani@oag.ok.gov; zach.west@oag.ok.gov; Emory Smith <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; Thomas.Hydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedland@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; James Kaste <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund < Edmund.LaCour@alabamaag.gov>; nicholas.bronni@arkansasag.gov; Vincent Wagner < vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@LAW.GA.GOV>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; ryan.schelhaas@wyo.gov; david.mcvey@state.sd.us; Anthony.J.Galdieri@doj.nh.gov; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; jeff.chanay@ag.ks.gov; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Brant.Laue@ag.ks.gov; brian.kane@ag.idaho.gov; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; lindsay.s.see@wvago.gov; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; mithun.mansinghani@oag.ok.gov; John Coghlan < John.Coghlan@ago.ms.gov> **Subject:** ACF/OHS/HHS - Head Start Mandate ***CAUTION:*** *This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.* Counsel, Kentucky would be interested in knowing if anyone in this group may be considering litigation related to the recent Head Start Mandate. See Published rule, https://public-inspection.federalregister.gov/2021-25869.pdf If so, please let me know. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5670 Christopher.Thacker@ky.gov The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. 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It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. To reply to our e-mail administrator directly, please send an e-mail to postmaster@ag.state.la.us.
CC	masagsve@nd.gov, tseibel@nd.gov

Record 1654

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	FW: ND Head Start Association Call to Action
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:38:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:38:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:38:00.000 PM

Body	Matt, FYI Wayne **From:** Baesler, Kirsten K. <kbaesler@nd.gov> **Sent:** Wednesday, December 15, 2021 1:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: ND Head Start Association Call to Action Get Outlook for iOS **From:** Allison Marie Driessen <Allison.Driessen@k12.nd.us> **Sent:** Wednesday, December 15, 2021 11:38:52 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** ND Head Start Association Call to Action ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Superintendent Bassler- I cannot thank you enough for being a Head Start Champion! I have attached the Head Start Call to Action for you to pass along to the Attorney General. As always, I am here to assist in any way possible with your vision of education. Have a wonderful Christmas! **Allison Driessen** **Early Explorers Head Start & Early Head Start** **301 14th St NW** **Devils Lake, ND 58301** **701-665-4431**
Attachments	16046.pdf

Record 1655

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov, lbrocker@nd.gov
Subject	FW: ND Head Start Association Call to Action
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:38:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:38:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:38:00.000 PM

Body	Matt, FYI Wayne **From:** Baesler, Kirsten K. <kbaesler@nd.gov> **Sent:** Wednesday, December 15, 2021 1:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: ND Head Start Association Call to Action Get Outlook for iOS **From:** Allison Marie Driessen <Allison.Driessen@k12.nd.us> **Sent:** Wednesday, December 15, 2021 11:38:52 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** ND Head Start Association Call to Action ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Superintendent Bassler- I cannot thank you enough for being a Head Start Champion! I have attached the Head Start Call to Action for you to pass along to the Attorney General. As always, I am here to assist in any way possible with your vision of education. Have a wonderful Christmas! **Allison Driessen** **Early Explorers Head Start & Early Head Start** **301 14th St NW** **Devils Lake, ND 58301** **701-665-4431**
Attachments	12696.pdf

Record 1656

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: 21-7000 MCP No.165, OSHA Covid Rule "judge order filed"
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:42:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:42:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:42:00.000 PM

Body

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Wednesday, December 15, 2021 1:02 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Nicolai, James E. <jnicolai@nd.gov>
Subject: FW: 21-7000 MCP No.165, OSHA Covid Rule "judge order filed"

Interesting decision.

From: ca06-ecf-noticedesk@ca6.uscourts.gov <ca06-ecf-noticedesk@ca6.uscourts.gov>
Sent: Wednesday, December 15, 2021 11:36 AM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: 21-7000 MCP No.165, OSHA Covid Rule "judge order filed"

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United States Court of Appeals for the Sixth Circuit

Notice of Docket Activity

The following transaction was filed on 12/15/2021

Case Name: MCP No.165, OSHA Covid Rule
Case Number: 21-7000
Document(s): Document(s)

Docket Text:
ORDER filed denying petition for initial en banc hearing [142] filed by Mr. James Patrick Sullivan in 21-7000, 21-4080, denying petition for initial en banc hearing [139] filed by Mr. Christopher David Wiest in 21-7000, denying petition for initial en banc hearing [136] filed by Mr. Russell A. Newman in 21-7000, denying petition for initial en banc hearing [14] filed by Mr. Benjamin Michael Flowers in 21-7000, 21-4031, denying petition for initial en banc hearing [6708334-2] filed by Mr. Robert Alt in 21-4028, denying petition for initial en banc hearing [6708834-2] filed by Mr. Ryan Bangert in 21-4033, decision for publication. Jeffrey S. Sutton, Chief Circuit Judge; Karen Nelson Moore, Circuit Judge; R. Guy Cole, Jr., Circuit Judge; Eric L. Clay, Circuit Judge; Julia Smith Gibbons, Circuit Judge; Richard Allen Griffin, Circuit Judge; Raymond M. Kethledge, Circuit Judge; Helene N. White, Circuit Judge; Jane Branstetter Stranch, Circuit Judge; Bernice Bouie Donald, Circuit Judge; Amul R. Thapar, Circuit Judge; John K. Bush, Circuit Judge; Joan L. Larsen, Circuit Judge; John B. Nalbandian, Circuit Judge; Chad A. Readler, Circuit Judge and Eric E. Murphy, Circuit Judge. [21-7000, 21-4027, 21-4028, 21-4031, 21-4032, 21-4033, 21-4080, 21-4082, 21-4083, 21-4084, 21-4085, 21-4086, 21-4087, 21-4088, 21-4089, 21-4090, 21-4091, 21-4092, 21-4093, 21-4094, 21-4095, 21-4096, 21-4097, 21-4099, 21-4100, 21-4101, 21-4102, 21-4103, 21-4108, 21-4112, 21-4114, 21-4115, 21-4117, 21-4133, 21-4149, 21-4152, 21-4157] (CL)

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Interesting decision.

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United States Court of Appeals for the Sixth Circuit

Notice of Docket Activity

The following transaction was filed on 12/15/2021

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Document(s): Document(s)

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Body	Mr. Buck Dougherty: buckdougherty@libertyjusticecenter.org Mr. Jefferson Downing: jd@keatinglaw.com Mr. Jeffrey B. Dubner: jdubner@democracyforward.org, ecf@democracyforward.org Mr. Jeremy Dys: jdys@firstliberty.org, file@firstliberty.org Mr. Steven R. Eatherly: eatherly@butzel.com Mr. Drew Curtis Ensign: drew.ensign@azag.gov, dreweensign@gmail.com, acl@azag.gov Mr. Thomas Molnar Fisher: tom.fisher@atg.in.gov, julia.payne@atg.in.gov, melinda.holmes@atg.in.gov, katherine.jacob@atg.in.gov Mr. Charles Flores: cflores@beckredden.com, lcrain@beckredden.com, charles-flores-2423@ecf.pacerpro.com Mr. Benjamin Michael Flowers: Benjamin.Flowers@OhioAGO.gov, joshua.richardson@ohioago.gov Ms. Rachel Fried: rfried@democracyforward.org, ecf@democracyforward.org Mr. Anthony J. Galdieri: anthony.j.galdieri@doj.nh.gov, joanne.a.ruiz@doj.nh.gov Mr. Thomas P. Gies: tgies@crowell.com, bhutter@crowell.com Mr. Jamila Gleason: gleason.jamila@dol.gov Ms. Brianne Jenna Gorod: brianne@theusconstitution.org, smita@theusconstitution.org, miriam@theusconstitution.org Mr. Stanley M. Gosch: stan@rosenblattgosch.com Ms. Shannon Marie Grammel: shannon.grammel@ag.ks.gov Mr. Grant Joseph Guillot: grant@grantguillot.com Mr. Deepak Gupta: deepak@guptawessler.com, neil@guptawessler.com, sara@guptawessler.com, linnet@guptawessler.com, greg@guptawessler.com, rana@guptawessler.com, abbe@guptawessler.com, joyce@guptawessler.com Mr. David J Hacker: dhacker@firstliberty.org, file@firstliberty.org Ms. Sarah Harbison: sarah@pelicaninstitute.org Ms. Sarah E. Harrington: sarah.e.harrington@usdoj.gov Ms. Leslie Hayes: leslie.hayes@ag.idaho.gov, elaine.maneck@ag.idaho.gov Mr. Ryan Lawrence Heath: ryan.heath@thegavelproject.com Mr. Robert Henneke: rhenneke@texaspolicy.com, ysimental@texaspolicy.com Mr. Jason H Hilborn: jason.hilborn@myfloridalegal.com Mr. Clark Lassiter Hildabrand: clark.hildabrand@ag.tn.gov Ms. Melissa Ann Holyoak: melissaholyoak@agutah.gov, clesmes@agutah.gov Mr. Thomas T. Hydrick: thomashydrick@scag.gov Ms. Rachel Louise Jag: rjag@americafirstpolicy.com Mr. Adam C. Jed: adam.c.jed@usdoj.gov, CivilAppellate.ECF@usdoj.gov Mr. Thomas M. Johnson, Jr.: tmjohnson@wiley.law Mr. Brian Patrick Kane: brian.kane@ag.idaho.gov Ms. Lindsey Keiser: lindsey.keiser@ky.gov Mr. Scott Allen Keller: scott@lehotskykeller.com Ms. Ashley Steiner Kelly: ashley.kelly@agg.com, andi.gossmann@agg.com Ms. JoAnn Kintz: jkintz@democracyforward.org, ecf@democracyforward.org Mr. Kris W. Kobach: kkobach@gmail.com Mr. Edmund Gerard LaCour, Jr.: edmund.lacour@alabamaag.gov, rene.whyard@alabamaag.gov Mr. Samuel Paul Langholz: sam.langholz@ag.iowa.gov Ms. Megan Ann Larrondo: megan.larrondo@ag.idaho.gov, elaine.maneck@ag.idaho.gov Mr. Steven Paul Lehotsky: steve@lehotskykeller.com Mr. Daniel P. Lennington: dan@will-law.org, annalise@will-law.org Ms. Emmy L. Levens: elevens@cohenmilstein.com, efilings@cohenmilstein.com, adeich@cohenmilstein.com, mvike@cohenmilstein.com Mr. Sheng Tao Li: sheng.li@ncla.legal Mr. Mithun Mansinghani: mithun.mansinghani@oag.ok.gov, maranda.spears@oag.ok.gov, docket@oag.ok.gov Ms. Cathleen A. Martin: martinc@ncrpc.com, dunnavantd@ncrpc.com Mr. Jeffrey Carl Mateer: jmateer@firstliberty.org, file@firstliberty.org Mr. R. Trent McCotter: mccotter@boydengrayassociates.com Mr. David M. McVey: david.mcvey@state.sd.us Mr. Mark P. Meuser: MMeuser@dhillonlaw.com Mr. Matthew R. Miller: mmiller@texaspolicy.com, ysimental@texaspolicy.com, slucas@texaspolicy.com Ms. Jessica Anne Morton: jmorton@democracyforward.org, ecf@democracyforward.org Mr. Matthew W. Murphy: matt@vbmlaw.com, jennifer@vbmlaw.com Ms. Elizabeth B. Murrill: murrille@ag.louisiana.gov Mr. John Parham Murrill: john.murrill@taylorporter.com, julia.guillbeau@taylorporter.com Mr. William G. Myers, III: wmyers@hollandhart.com, cdart@hollandhart.com, nhammond@hollandhart.com, ccmccurdy@hollandhart.com, cmjackson@hollandhart.com, boiseintaketeam@hollandhart.com, adbennett@hollandhart.com, sdalonzo@hollandhart.com, sihasselblad@hollandhart.com, cmcarvalho@hollandhart.com Mr. Scott Lawrence Nelson: snelson@citizen.org, LitFileNotify@citizen.org Mr. Russell A. Newman: russell@thenewmanlawfirm.com Mr. Stephen Joseph Obermeier: sobermeier@wiley.law Mr. Richard J. Oparil: Richard.oparil@agg.com Ms. Lea Patterson: lpatterson@firstliberty.org, file@firstliberty.org Mr. Henry M. Perlowski: henry.perlowski@agg.com, andi.gossmann@agg.com Mr. Javier Pico-Prats: jpicoprats@robbinsfirm.com Mr. David Andrew Porter: dporter@khvpf.com, myamin@khvpf.com Mr. Michael S. Raab: michael.raab@usdoj.gov, civilappellate.ecf@usdoj.gov Ms. Randy Sue Rabinowitz: randy@rsrabinowitz.net Mr. Aaron Randall Rice: aaron.rice@msjustice.org, arrice@icloud.com Mr. Joseph E. Richotte: richotte@butzel.com, guardiola@butzel.com Ms. Amy L. Rosenberger: arosenberger@wwdlaw.com, kdickerson@wwdlaw.com Mr. David A. Rosenfeld: drosenfeld@unioncounsel.net, courtnotices@unioncounsel.net Mr. Scott E. Rosenow: srosenow@wmc.org Mr. Andrew Dean Roth: aroth@bredhoff.com, hpvonthielen@bredhoff.com, mhiruy@bredhoff.com Ms. Keisha Russell: krussell@firstliberty.org, file@firstliberty.org Mr. John A. Ruth: jruth@ncrpc.com, borghardta@ncrpc.com Mr. Matthew A. Sagsveen: masagsve@nd.gov Mr. Hiram S Sasser: hsasser@firstliberty.org, file@firstliberty.org Mr. Dean John Sauer, Solicitor: john.sauer@ago.mo.gov, john.sauer@ago.mo.gov, pam.martin@ago.mo.gov Mr. Ryan T. Schelhaas: ryan.schelhaas@wyo.gov Ms. Marisa C. Schnaith: schnaith.marisa.c@dol.gov Mr. Michael B. Schon: mike@lehotskykeller.com Ms. Lindsay Sara See, Solicitor General: lindsay.s.see@wyago.gov, choffman@wyago.gov Mr. Jordan A. Sekulow: jordansekulow@aclj.org, medwards@aclj.org Mr. Brandon James Smith: brandon.smith@ag.tn.gov Ms. Abigail Ann Southerland: asoutherland@aclj.org

Body	Mr. Brian James Springer: brian.j.springer@usdoj.gov, civilappellate.ecf@usdoj.gov Ms. Jessica Elizabeth Hart Steinmann: jsteinmann@americafirstpolicy.com Ms. Christina Stierhoff: cstierhoff@aclj.org Mr. James Larry Stine: jls@wimlaw.com, nes@wimlaw.com Mr. Judd Edward Stone, II: Judd.Stone@oag.texas.gov, maria.williamson@oag.texas.gov, sabrina.wycoff@oag.texas.gov Ms. Catherine L. Strauss: catherine.strauss@icemiller.com, thyrza.skofield@icemiller.com Mr. Patrick Strawbridge: patrick@consovoymccarthy.com Mr. Daniel Robert Suhr: dsuhr@libertyjusticecenter.org Mr. James Patrick Sullivan: sully.jps@gmail.com Ms. Krystal Brunner Swendsboe: kswendsboe@wiley.law Mr. Miles Landon Terry: mterry@aclj.org Mr. Christopher L. Thacker: christopher.thacker@ky.gov, cthacker@aya.yale.edu Mr. Michael Eugene Toner: mtoner@wiley.law Mr. Martin Totaro: martin.v.totaro@usdoj.gov Mr. Ryan J. Tucker: rtucker@adflegal.org, jperske@adflegal.org Mr. Halron Waites Turner: hwt@tokn.com Mr. Vincent M. Wagner: vincent.wagner@arkansasag.gov Ms. Felicia K. Watson: fwatson@nahb.org Mr. Chance Weldon: cweldon@texaspolicy.com, cdweldon.email@gmail.com, ysimental@texaspolicy.com Mr. Henry Charles Whitaker: henry.whitaker@myfloridalegal.com, jenna.hodges@myfloridalegal.com Mr. Edward Lawrence White: ewhite@aclj.org, elwhite3@yahoo.com, JeanneWhite3@yahoo.com Mr. Christopher David Wiest: chris@cwiestlaw.com, chriswiestlaw@yahoo.com Mr. Kurtis T. Wilder: wilder@butzel.com, ingber@butzel.com Mr. Daniel William Wolff: dwolff@crowell.com, bhutter@crowell.com Ms. Allison M. Zieve: azieve@citizen.org, litfilenotify@citizen.org Mr. Peter Ford: pford@ufcw.org (*daily summary*) Mr. Thomas J. Ward: tward@nahb.org (*daily summary*) **Notice will not be electronically mailed to:** Mr. Aaron Abadi 82 Nassau Street Apartment 140 New York, NY 10038 The following document(s) are associated with this transaction: **Document Description:** Cover Letter **Original Filename:** /opt/ACECF/live/forms/CathrynLovely_217000_6723315_CoverLetter-ForPublicationOrder.pdf **Electronic Document Stamp:** [STAMP acecfStamp_ID=1105031299 [Date=12/15/2021] [FileNumber=6723315-1] [91d7d82e0cedf08a8c88f6f118aff70816edb6b4a2920c735efab37d86494e6b89978b622834f14e14f82749 **Recipients:** • Mr. Aaron Abadi • Mr. Robert Alt • Mr. Michael Timothy Anderson • Mr. Ryan Baasch • Mr. Edmund Charles Baird • Mr. Ryan Bangert • Mr. David Joseph Beck • Mr. Craig Becker • Mr. Harold Craig Becker • Mr. Josh Belinfante • Mr. Ross Warren Bergethon • Ms. Nicole G. Berner • Ms. Louise McGauley Betts • Mr. Keith R. Bolek • Ms. Victoria Louise Bor • Mr. Matthew Scott Bowman • Mr. Charles Edmond Brasington • Mr. Adam C. Breihan • Mr. Brian Alan Broecker • Mr. Jeremy Joseph Broggi • Mr. Nicholas J. Bronni • Mr. John J. Bursch • James A. Campbell • Mr. John Stone Campbell, III • Mr. Joshua Joseph Campbell • Mr. Jeffrey A. Chanay • Mr. Frank Hyok Chang • Mr. Matthew James Clark • Mr. John V. Coghlan • Mr. William Francis Cole • Mr. Ronald D. Coleman • Mr. Michael A. Columbo • Mr. Christian Brian Corrigan • Mr. David Andrew Cortman • Mr. Nate Curtisi • Ms. Sylvia May Davis • Mr. David M.S. Dewhirst • Ms. Harmeet Dhillon • Mr. Buck Dougherty • Mr. Jefferson Downing • Mr. Jeffrey B. Dubner • Mr. Jeremy Dys • Mr. Steven R. Eatherly • Mr. Drew Curtis Ensign • Mr. Thomas Molnar Fisher • Mr. Charles Flores • Mr. Benjamin Michael Flowers • Mr. Peter Ford • Ms. Rachel Fried • Mr. Anthony J. Galdieri • Mr. Thomas P. Gies • Mr. Jamila Gleason

Body	• Ms. Brianne Jenna Gorod • Mr. Stanley M. Gosch • Ms. Shannon Marie Grammel • Mr. Grant Joseph Guillot • Mr. Deepak Gupta • Mr. David J Hacker • Ms. Sarah Harbison • Ms. Sarah E. Harrington • Ms. Leslie Hayes • Mr. Ryan Lawrence Heath • Mr. Robert Henneke • Mr. Jason H Hilborn • Mr. Clark Lassiter Hildabrand • Ms. Melissa Ann Holyoak • Mr. Thomas T. Hydrick • Ms. Rachel Louise Jag • Mr. Adam C. Jed • Mr. Thomas M. Johnson, Jr. • Mr. Brian Patrick Kane • Ms. Lindsey Keiser • Mr. Scott Allen Keller • Ms. Ashley Steiner Kelly • Ms. JoAnn Kintz • Mr. Kris W. Kobach • Mr. Edmund Gerard LaCour, Jr. • Mr. Samuel Paul Langholz • Ms. Megan Ann Larrondo • Mr. Steven Paul Lehotsky • Mr. Daniel P. Lennington • Ms. Emmy L. Levens • Mr. Sheng Tao Li • Mr. Mithun Mansinghani • Ms. Cathleen A. Martin • Mr. Jeffrey Carl Mateer • Mr. R. Trent McCotter • Mr. David M. McVey • Mr. Mark P. Meuser • Mr. Matthew R. Miller • Ms. Jessica Anne Morton • Mr. Matthew W. Murphy • Ms. Elizabeth B. Murrill • Mr. John Parham Murrill • Mr. William G. Myers, III • Mr. Scott Lawrence Nelson • Mr. Russell A. Newman • Mr. Stephen Joseph Obermeier • Mr. Richard J. Oparil • Ms. Lea Patterson • Mr. Henry M. Perlowski • Mr. Javier Pico-Prats • Mr. David Andrew Porter • Mr. Michael S. Raab • Ms. Randy Sue Rabinowitz • Mr. Aaron Randall Rice • Mr. Joseph E. Richotte • Ms. Amy L. Rosenberger • Mr. David A. Rosenfeld • Mr. Scott E. Rosenow • Mr. Andrew Dean Roth • Ms. Keisha Russell • Mr. John A. Ruth • Mr. Matthew A. Sagsveen • Mr. Hiram S Sasser • Mr. Dean John Sauer, Solicitor • Mr. Ryan T. Schelhaas • Ms. Marisa C. Schnaith • Mr. Michael B. Schon • Ms. Lindsey Sara See, Solicitor General • Mr. Jordan A. Sekulow • Mr. Brandon James Smith • Ms. Abigail Ann Southerland • Mr. Brian James Springer • Ms. Jessica Elizabeth Hart Steinmann • Ms. Christina Stierhoff • Mr. James Larry Stine • Mr. Judd Edward Stone, II • Ms. Catherine L. Strauss • Mr. Patrick Strawbridge • Mr. Daniel Robert Suhr • Mr. James Patrick Sullivan • Ms. Krystal Brunner Swendsboe • Mr. Miles Landon Terry • Mr. Christopher L. Thacker • Mr. Michael Eugene Toner • Mr. Martin Totaro • Mr. Ryan J. Tucker • Mr. Halron Waites Turner • Mr. Vincent M. Wagner • Mr. Thomas J. Ward • Ms. Felicia K. Watson • Mr. Chance Weldon • Mr. Henry Charles Whitaker • Mr. Edward Lawrence White • Mr. Christopher David Wiest • Mr. Kurtis T. Wilder • Mr. Daniel William Wolff • Ms. Allison M. Zieve **Document Description:** En Banc Order **Original Filename:** 21a0283p-06.pdf **Electronic Document Stamp:** [STAMP acecfStamp_ID=1105031299 [Date=12/15/2021] [FileNumber=6723315-0] [0cdf024137a05702b9eaf0067addf19b2ae2b9f5b7dff5fd997f503fca0f733fba9c2479e59d2b66a23e0feb37c0e383eb…
Attachments	12695.pdf

Record 1658

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kbaesler@nd.gov
Subject	RE: ND Head Start Association Call to Action
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:44:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:44:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:44:00.000 PM

Body	Thanks, Kirsten!! **From:** Baesler, Kirsten K. <kbaesler@nd.gov> **Sent:** Wednesday, December 15, 2021 1:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: ND Head Start Association Call to Action Get Outlook for iOS **From:** Allison Marie Driessen <Allison.Driessen@k12.nd.us> **Sent:** Wednesday, December 15, 2021 11:38:52 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** ND Head Start Association Call to Action ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Superintendent Bassler- I cannot thank you enough for being a Head Start Champion! I have attached the Head Start Call to Action for you to pass along to the Attorney General. As always, I am here to assist in any way possible with your vision of education. Have a wonderful Christmas! **Allison Driessen** **Early Explorers Head Start & Early Head Start** **301 14th St NW** **Devils Lake, ND 58301** **701-665-4431**

Record 1659

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kbaesler@nd.gov
Subject	RE: ND Head Start Association Call to Action
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:44:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:44:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:44:00.000 PM

Body	Thanks, Kirsten!! **From:** Baesler, Kirsten K. <kbaesler@nd.gov> **Sent:** Wednesday, December 15, 2021 1:19 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: ND Head Start Association Call to Action Get Outlook for iOS **From:** Allison Marie Driessen <Allison.Driessen@k12.nd.us> **Sent:** Wednesday, December 15, 2021 11:38:52 AM **To:** Baesler, Kirsten K. <kbaesler@nd.gov> **Subject:** ND Head Start Association Call to Action ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Superintendent Bassler- I cannot thank you enough for being a Head Start Champion! I have attached the Head Start Call to Action for you to pass along to the Attorney General. As always, I am here to assist in any way possible with your vision of education. Have a wonderful Christmas! **Allison Driessen** **Early Explorers Head Start & Early Head Start** **301 14th St NW** **Devils Lake, ND 58301** **701-665-4431**

Record 1660

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: OMG WAYNE!!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:51:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:51:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:51:00.000 PM
Body	**From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Wednesday, December 15, 2021 12:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** OMG WAYNE!!! The scotcheroos are just to die for!! Please hug the baker. She is the best! Thank you for sharing. *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1661

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: OMG WAYNE!!!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:51:53.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:51:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 1:51:00.000 PM
Body	**From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Wednesday, December 15, 2021 12:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** OMG WAYNE!!! The scotcheroos are just to die for!! Please hug the baker. She is the best! Thank you for sharing. *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1662

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dconnor@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:57:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:57:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:57:32.000 PM
Body	Thanks, Donna. You enjoy your evening as well! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Connor, Donna J. <dconnor@nd.gov> **Sent:** Wednesday, December 15, 2021 4:28:41 PM **To:** Eisenbeis, Ashley <aeisenbeis@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ashley and Wayne, I said Grandpa because I had looked at Kylie Buchholz's Facebook(Kerrie's daughter) about losing her grandpa, my fault. Kerrie's husband is Curt, sorry for the confusion this afternoon. Enjoy your evening! ☺

Record 1663

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dconnor@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:57:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:57:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 4:57:32.000 PM

Body	Thanks, Donna. You enjoy your evening as well! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Connor, Donna J. <dconnor@nd.gov> **Sent:** Wednesday, December 15, 2021 4:28:41 PM **To:** Eisenbeis, Ashley <aeisenbeis@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ashley and Wayne, I said Grandpa because I had looked at Kylie Buchholz's Facebook(Kerrie's daughter) about losing her grandpa, my fault. Kerrie's husband is Curt, sorry for the confusion this afternoon. Enjoy your evening! ☺

Record 1664

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:09:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:09:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:09:48.000 PM
Body	Trivia game Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1665

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:09:32.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:09:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/15/2021 10:09:48.000 PM
Body	Trivia game Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1666

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com, astenehjem31@gmail.com
Subject	FW: Jamaica
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:41:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:41:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:41:00.000 AM

Body	Additional info from Liz who just returned from Jamaica. Wayne Beth—can you forward this to Janelle, Grant and Kayla? **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, December 16, 2021 8:21 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Jamaica 1. No more than 7 days (and no fewer than 3 day) prior to *arrival* date in Jamaica, you will need to complete the Travel Authorization. Each person in your group needs to do a separate authorization – you'll need passport, flight, and resort information. Click on this link, and answer No: https://travelauth.visitjamaica.com/ . That opens the travel authorization. You will be sent a one-time password. 1. Once the travel authorization is completed and submitted, you will get an email approving it and attaching the authorization. Download a copy to your phone AND print a hard copy. I know it says they'll accept the e-copy, but they always ask to see the hard copy. 2. No more than 72 hours prior to *arrival date* in Jamaica, you need to get a Covid 19 test done. IGNORE the public health testing sites. I know the sites imply that they do testing for travel but that is NOT the case. The best place we have found to get the testing done is Mayo Pharmacy on 4th Street. You can book the appointment online. You do have to pay for it. You may not be able to complete your online check-in because the ticket agent has to personally verify that she has checked your covid-19 test and your travel authorization unless your flight has been authorized for Delta's Verifly – in which case click on the delta link, enter your info, upload pics of your results and travel authorization, and you'll be good. About 3 days before your return, you'll get an email from Delta with a link to complete the CDC attestation. You'll also need to have covid-19 test results before checking in on the flight (or doing verifly). Liz

Record 1667

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com, astenehjem31@gmail.com
Subject	FW: Jamaica
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:41:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:41:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 8:41:00.000 AM

Body	Additional info from Liz who just returned from Jamaica. Wayne Beth—can you forward this to Janelle, Grant and Kayla? **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, December 16, 2021 8:21 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Jamaica 1. No more than 7 days (and no fewer than 3 day) prior to *arrival* date in Jamaica, you will need to complete the Travel Authorization. Each person in your group needs to do a separate authorization – you'll need passport, flight, and resort information. Click on this link, and answer No: https://travelauth.visitjamaica.com/ . That opens the travel authorization. You will be sent a one-time password. 1. Once the travel authorization is completed and submitted, you will get an email approving it and attaching the authorization. Download a copy to your phone AND print a hard copy. I know it says they'll accept the e-copy, but they always ask to see the hard copy. 2. No more than 72 hours prior to *arrival date* in Jamaica, you need to get a Covid 19 test done. IGNORE the public health testing sites. I know the sites imply that they do testing for travel but that is NOT the case. The best place we have found to get the testing done is Mayo Pharmacy on 4th Street. You can book the appointment online. You do have to pay for it. You may not be able to complete your online check-in because the ticket agent has to personally verify that she has checked your covid-19 test and your travel authorization unless your flight has been authorized for Delta's Verifly – in which case click on the delta link, enter your info, upload pics of your results and travel authorization, and you'll be good. About 3 days before your return, you'll get an email from Delta with a link to complete the CDC attestation. You'll also need to have covid-19 test results before checking in on the flight (or doing verifly). Liz

Record 1668

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ndyon@nd.gov
Subject	RE: Awards ceremony
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:00:11.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:00:11.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:00:00.000 AM

Body	We will miss you, Nancy, but it makes sense not to chance ND winter roads and weather. Merry Christmas to you and your family! Wayne **From:** Yon, Nancy D. <ndyon@nd.gov> **Sent:** Thursday, December 16, 2021 8:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Awards ceremony Good morning. I am sorry to say that I will be missing todays years of service award's ceremony. I was looking forward to coming and seeing everyone and receiving my years of service recognition in person. However, the roads are not the best, slippery. It is a cold and windy ND day and not ideal for 7 hours of driving. I can't believe I have nearly 21.5 years of combined service to Grand Forks County and the State. Time flies. Thank you both for giving me the opportunity to do the work that I do and for being wonderful to work with/for. I hope to see you soon. Merry Christmas. Nancy **Nancy Yon** ***Assistant Attorney General*** Office of General Counsel 264 Centennial Drive Stop 8196 Grand Forks, ND 58202-8196 701-777-6345 ndyon@nd.gov

Record 1669

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ndyon@nd.gov
Subject	RE: Awards ceremony
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:00:11.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:00:11.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:00:00.000 AM
Body	We will miss you, Nancy, but it makes sense not to chance ND winter roads and weather. Merry Christmas to you and your family! Wayne **From:** Yon, Nancy D. <ndyon@nd.gov> **Sent:** Thursday, December 16, 2021 8:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Awards ceremony Good morning. I am sorry to say that I will be missing todays years of service award's ceremony. I was looking forward to coming and seeing everyone and receiving my years of service recognition in person. However, the roads are not the best, slippery. It is a cold and windy ND day and not ideal for 7 hours of driving. I can't believe I have nearly 21.5 years of combined service to Grand Forks County and the State. Time flies. Thank you both for giving me the opportunity to do the work that I do and for being wonderful to work with/for. I hope to see you soon. Merry Christmas. Nancy **Nancy Yon** ***Assistant Attorney General*** Office of General Counsel 264 Centennial Drive Stop 8196 Grand Forks, ND 58202-8196 701-777-6345 ndyon@nd.gov

Record 1670

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:55:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:55:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:55:00.000 AM
Body	Beth asks you to save the lid to the scotcheroo pan, as Sam's club is out of them. Maybe you can bring it in tomorrow? Wayne

Record 1671

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:55:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:55:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 9:55:00.000 AM
Body	Beth asks you to save the lid to the scotcheroo pan, as Sam's club is out of them. Maybe you can bring it in tomorrow? Wayne

Record 1672

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dschaibley@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:03:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:03:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:03:00.000 PM

Body	Thanks, Dave. So you know, I have visited about this with Kirsten and also Chris Jones. Wayne **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.

Record 1673

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dschaibley@nd.gov
Subject	RE: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:03:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:03:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:03:00.000 PM

Body	Thanks, Dave. So you know, I have visited about this with Kirsten and also Chris Jones. Wayne **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.

Record 1674

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Privileged/Confidential
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:06:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:06:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:06:00.000 PM
Body	I hear you. I am not that excited about some of the those allegations, especially the latter ones. I don't know why they feel they're necessary in these pleadings at this stage. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 5:24 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Privileged/Confidential I just want to draw your attention to the following paragraphs to make sure you are comfortable with language.: 74, 97, 98, 99, 149-151, 155.

Record 1675

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov

Subject	RE: Privileged/Confidential
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:06:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:06:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:06:00.000 PM
Body	I hear you. I am not that excited about some of the those allegations, especially the latter ones. I don't know why they feel they're necessary in these pleadings at this stage. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 5:24 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Privileged/Confidential I just want to draw your attention to the following paragraphs to make sure you are comfortable with language.: 74, 97, 98, 99, 149-151, 155.

Record 1676

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	chpieske@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:07:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:07:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:07:25.000 PM

Body	Thank you. I'll look forward to seeing it. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Pieske, Christopher S. <chpieske@nd.gov> **Sent:** Thursday, December 16, 2021 4:00:18 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Schaibley, David J. <dschaibley@nd.gov> **Subject:** RE: Head Start I should receive the revised declaration from Mayville State President Van Horn today after 5:00. I will forward it once I receive it. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	dschaibley@nd.gov

Record 1677

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	chpieske@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Head Start
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:07:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:07:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:07:25.000 PM

Body	Thank you. I'll look forward to seeing it. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Pieske, Christopher S. <chpieske@nd.gov> **Sent:** Thursday, December 16, 2021 4:00:18 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Schaibley, David J. <dschaibley@nd.gov> **Subject:** RE: Head Start I should receive the revised declaration from Mayville State President Van Horn today after 5:00. I will forward it once I receive it. Chris Christopher S. Pieske Assistant Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505-0040 Phone: 701-328-3597 Fax: 701-328-2226 Bar I.D.: 06415 chpieske@nd.gov *Pronouns: He/Him/His* **From:** Schaibley, David J. <dschaibley@nd.gov> **Sent:** Thursday, December 16, 2021 3:58 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov> **Subject:** RE: Head Start I'm not sure if you're looking for input from me, but I don't have suggested revisions. To the extent folks might be interested in DPI's/the Superintendent's perspective, her authority is generally limited to elementary-secondary schools/school-aged children and does not extend to the pre-K/Head Start level (a separation reinforced further just this past session when the limited early childhood programming she did have some authority over was moved from DPI to DHS). So she is generally ..... disinclined .... to weigh in on such matters. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 4:51 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Pieske, Christopher S. <chpieske@nd.gov>; Schaibley, David J. <dschaibley@nd.gov> **Subject:** FW: Head Start FYI, see message below from "other" state counsel. ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Friends – attached is the most updated draft of the complaint. The State-specific allegations for plaintiffs and states are still a work in progress, but we have a robust coalition. Several states have sent me some suggested revisions, including minimizing allegations that get into efficacy of vaccines. I agree with that approach. I didn't take it all out but modified some paragraphs and deleted others. I worked on amplifying State standing allegations. Please provide me with signature blocks and any other recommendations. GA has provided a declaration, which may change a little but is provided for your reference. Also attached a draft Dec we are using with our program directors. If you have a superintendent of a public school system who is a willing declarant, it would be helpful for him/her to speak to blending of funds, need to lean on the state to backfill lost funding, educational opportunities lost and hindered for entering Kindergarten.
CC	dschaibley@nd.gov

Record 1678

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jthiel@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:19:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:19:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:19:00.000 PM

Body	Enjoy. But why were you avoiding me?? Wayne **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Thursday, December 16, 2021 4:18 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** *WOW…it is really nice to see you today…LOL* *Thank you for the treat…* *Jolene J. Thiel* *Administrative Staff Officer* *ND Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Telephone: (701) 328-3645* *Facsimile: (701) 328-4300* ***Confidentiality Notice:*** *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*

Record 1679

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jthiel@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:19:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:19:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:19:00.000 PM
Body	Enjoy. But why were you avoiding me?? Wayne **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Thursday, December 16, 2021 4:18 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** *WOW…it is really nice to see you today…LOL* *Thank you for the treat…* *Jolene J. Thiel* *Administrative Staff Officer* *ND Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Telephone: (701) 328-3645* *Facsimile: (701) 328-4300* ***Confidentiality Notice:*** *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*

Record 1680

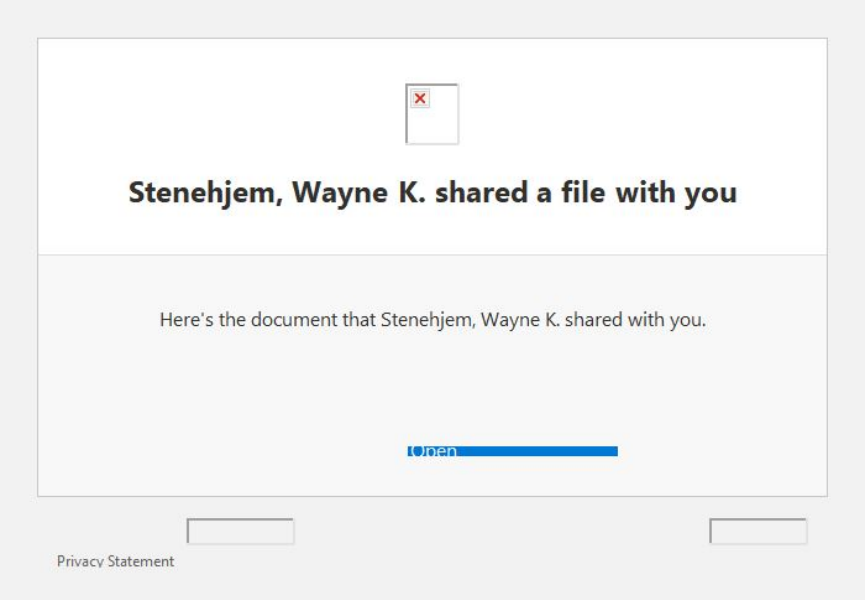
Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jthiel@nd.gov, lbrocker@nd.gov, tseibel@nd.gov
Subject	RE: Christmas Luncheon
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:58:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:58:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:58:00.000 PM
Body	Thanks. I do have an Industrial Commission meeting that Monday afternoon, but I'll see what I can do. I always love your Christmas parties! Wayne **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Thursday, December 16, 2021 4:40 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Christmas Luncheon *We are doing our Christmas luncheon next Monday, if you are free please come on down.....I am not even sure who will all be here....* *Jolene J. Thiel* *Administrative Staff Officer* *ND Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Telephone: (701) 328-3645* *Facsimile: (701) 328-4300* ***Confidentiality Notice:*** *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*

Record 1681

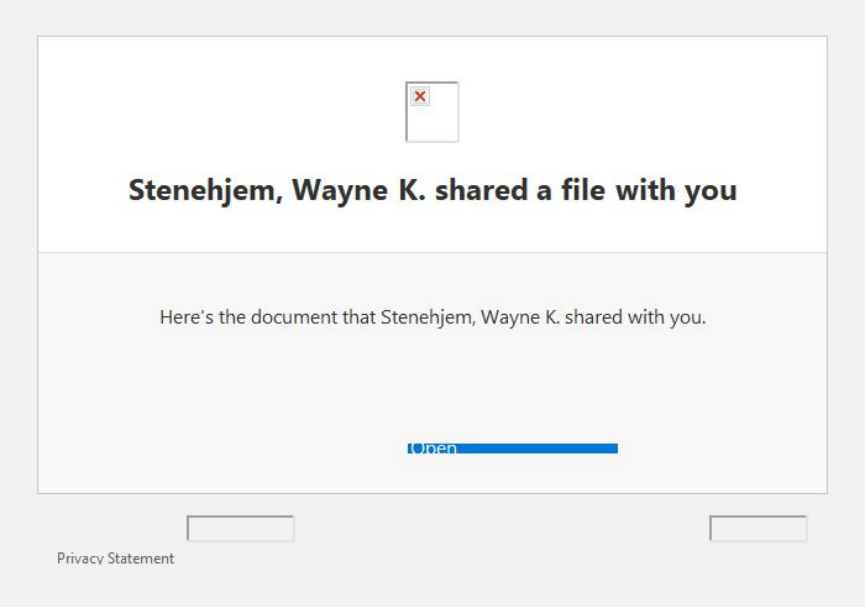
Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jthiel@nd.gov, lbrocker@nd.gov, tseibel@nd.gov
Subject	RE: Christmas Luncheon
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:58:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:58:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/16/2021 4:58:00.000 PM

Body	Thanks. I do have an Industrial Commission meeting that Monday afternoon, but I'll see what I can do. I always love your Christmas parties! Wayne **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Thursday, December 16, 2021 4:40 PM **To:** Brocker, Liz <lbrocker@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Christmas Luncheon *We are doing our Christmas luncheon next Monday, if you are free please come on down.....I am not even sure who will all be here....* *Jolene J. Thiel* *Administrative Staff Officer* *ND Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Telephone: (701) 328-3645* *Facsimile: (701) 328-4300* ***Confidentiality Notice:*** *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*

Record 1682

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Stenehjem, Wayne K. shared "Announcement Public" with you.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:22:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:22:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:22:20.000 AM
Body	
Attachments	AttachedImage[14787], AttachedImage[14786], AttachedImage[14785], AttachedImage[14784], AttachedImage[14783]

Record 1683

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Stenehjem, Wayne K. shared "Announcement Public" with you.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:22:20.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:22:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 9:22:20.000 AM
Body	
Attachments	AttachedImage[11324], AttachedImage[11323], AttachedImage[11322], AttachedImage[11321], AttachedImage[11320]

Record 1684

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	agall@nd.gov
Subject	To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 10:20:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 10:20:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 10:20:00.000 AM

Body	To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1685

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	agall@nd.gov
Subject	To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 10:20:06.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 10:20:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 10:20:00.000 AM

Body	To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1686

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mnowatzki@nd.gov
Subject	RE: BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:32:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:32:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:32:00.000 AM

Body	Thanks so much, Mike. This means a lot. Wayne **From:** Nowatzki, Mike <mnowatzki@nd.gov> **Sent:** Friday, December 17, 2021 11:30 AM **To:** Nowatzki, Mike <mnowatzki@nd.gov> **Subject:** BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022 **NEWS: FOR IMMEDIATE RELEASE** **Burgum releases statement on Attorney General Wayne Stenehjem not seeking re-election in 2022** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (DEC. 17, 2021)** – Gov. Doug Burgum released the following statement after North Dakota Attorney General Wayne Stenehjem announced today he will not seek re-election in 2022. Stenehjem is the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th attorney general in 2000 and was re-elected in 2004, 2006, 2010, 2014 and 2018. Stenehjem also served in the North Dakota Legislature for 24 years, including four years in the House and 20 years in the Senate, where he was chair of the Senate Judiciary Committee from 1995-2000. "Wayne Stenehjem is the epitome of a dedicated public servant. We are deeply grateful for his more than four decades of exemplary service to the State of North Dakota, both as a legislator and attorney general, a position he held longer than his three predecessors combined," Burgum said. "As the state's top law enforcement officer for more than 20 years, Wayne's chief concern has always been the safety and well-being of North Dakota citizens, and our state is a better place because of his devoted service. We very much look forward to partnering with him on important initiatives during his remaining time in office to keep our state moving forward." — # # # — - **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* PHONE *701.328.2200* -
Attachments	image001[14806].png, image002[14811].jpg, image008[14807].png, image009[14808].png, image010[14809].png, image011[14810].png

Record 1687

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mnowatzki@nd.gov
Subject	RE: BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:32:17.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:32:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 11:32:00.000 AM

Body	Thanks so much, Mike. This means a lot. Wayne **From:** Nowatzki, Mike <mnowatzki@nd.gov> **Sent:** Friday, December 17, 2021 11:30 AM **To:** Nowatzki, Mike <mnowatzki@nd.gov> **Subject:** BURGUM STATEMENT ON ATTORNEY GENERAL WAYNE STENEHJEM NOT SEEKING RE-ELECTION IN 2022 **NEWS: FOR IMMEDIATE RELEASE** **Burgum releases statement on Attorney General Wayne Stenehjem not seeking re-election in 2022** VIEW THIS RELEASE ONLINE: governor.ND.gov **BISMARCK, N.D. (DEC. 17, 2021)** – Gov. Doug Burgum released the following statement after North Dakota Attorney General Wayne Stenehjem announced today he will not seek re-election in 2022. Stenehjem is the longest-serving attorney general in North Dakota history, having held the position for 21 years. He was elected as the state's 29th attorney general in 2000 and was re-elected in 2004, 2006, 2010, 2014 and 2018. Stenehjem also served in the North Dakota Legislature for 24 years, including four years in the House and 20 years in the Senate, where he was chair of the Senate Judiciary Committee from 1995-2000. "Wayne Stenehjem is the epitome of a dedicated public servant. We are deeply grateful for his more than four decades of exemplary service to the State of North Dakota, both as a legislator and attorney general, a position he held longer than his three predecessors combined," Burgum said. "As the state's top law enforcement officer for more than 20 years, Wayne's chief concern has always been the safety and well-being of North Dakota citizens, and our state is a better place because of his devoted service. We very much look forward to partnering with him on important initiatives during his remaining time in office to keep our state moving forward." — # # # — - **CONTACT:** Mike Nowatzki mnowatzki@nd.gov 701.328.2424 Mike Kennedy mikekennedy@nd.gov 701.328.2937 *600 E Boulevard Ave.* *Bismarck ND 58505-0001* PHONE *701.328.2200* -
Attachments	image001[11343].png, image002[11348].jpg, image008[11344].png, image009[11345].png, image010[11346].png, image011[11347].png

Record 1688

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: USDA Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:59:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:59:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:59:00.000 PM

Body	Thanks, Parrell. Please let them know ND is happy to join. Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Friday, December 17, 2021 1:57 PM **To:** Kit Wendtland <kit.wendtland@wyo.gov> **Cc:** Odette, Elizabeth <Elizabeth.Odette@ag.state.mn.us>; Alm, Elin S. <ealm@nd.gov> **Subject:** RE: USDA Letter Thanks, Kit and I appreciate the telephone call. I just sent a reminder to Attorney General Stenehjem with my recommendation to join. I know he is very busy and I'm certain he will give this matter his attention as soon as possible. I know that he appreciates that General Hill and General Ellison joined in North Dakota's earlier letter urging USDOJ to investigate the meat packing industry and he continues to be very concerned about this topic. Have a good weekend and same to you, Elizabeth! *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Kit Wendtland <kit.wendtland@wyo.gov> **Sent:** Friday, December 17, 2021 1:50 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** USDA Letter ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Parrell, Thanks again for your time. Below is a list of current signatories: Sponsors: MN, WY Signatories: ID, IA, DE, IL, RI, CA There are a number of other states' AG's that I can't disclose who are considering, both (R) and (D) Thanks, and feel free to reach out with any questions. -- Kit Wendtland Assistant Attorney General Consumer Protection Unit, Tobacco Settlement State of Wyoming 2320 Capitol Avenue Cheyenne, WY 82002 Telephone: (307)-777-3795 kit.wendtland@wyo.gov This e-mail transmission and any attachments to it contains information from the Wyoming Attorney General's Office, which is confidential and/or privileged. The information is intended to be solely for the use of the individual or entity named above. If you are not the intended recipient, any disclosure, copying, distribution or the use of the contents of this information is prohibited. If you have received this e-mail in error, please immediately notify me by telephone or return e-mail so that I can arrange for the deletion of the information and destruction of any copies that have been made at no cost to you. E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Record 1689

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: USDA Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:59:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:59:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 2:59:00.000 PM

Body	Thanks, Parrell. Please let them know ND is happy to join. Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Friday, December 17, 2021 1:57 PM **To:** Kit Wendtland <kit.wendtland@wyo.gov> **Cc:** Odette, Elizabeth <Elizabeth.Odette@ag.state.mn.us>; Alm, Elin S. <ealm@nd.gov> **Subject:** RE: USDA Letter Thanks, Kit and I appreciate the telephone call. I just sent a reminder to Attorney General Stenehjem with my recommendation to join. I know he is very busy and I'm certain he will give this matter his attention as soon as possible. I know that he appreciates that General Hill and General Ellison joined in North Dakota's earlier letter urging USDOJ to investigate the meat packing industry and he continues to be very concerned about this topic. Have a good weekend and same to you, Elizabeth! *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Kit Wendtland <kit.wendtland@wyo.gov> **Sent:** Friday, December 17, 2021 1:50 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** USDA Letter ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi Parrell, Thanks again for your time. Below is a list of current signatories: Sponsors: MN, WY Signatories: ID, IA, DE, IL, RI, CA There are a number of other states' AG's that I can't disclose who are considering, both (R) and (D) Thanks, and feel free to reach out with any questions. -- Kit Wendtland Assistant Attorney General Consumer Protection Unit, Tobacco Settlement State of Wyoming 2320 Capitol Avenue Cheyenne, WY 82002 Telephone: (307)-777-3795 kit.wendtland@wyo.gov This e-mail transmission and any attachments to it contains information from the Wyoming Attorney General's Office, which is confidential and/or privileged. The information is intended to be solely for the use of the individual or entity named above. If you are not the intended recipient, any disclosure, copying, distribution or the use of the contents of this information is prohibited. If you have received this e-mail in error, please immediately notify me by telephone or return e-mail so that I can arrange for the deletion of the information and destruction of any copies that have been made at no cost to you. E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Record 1690

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aeisenbeis@nd.gov
Subject	RE: Vacancy Announcement for the Civil Ligation, Natural Resources, and Indian Affairs Division
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:00.000 PM

Body	Oh. I thought you were going to do a Vacancy Announcement for this end of the hallway! Wayne Have a nice weekend. **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Friday, December 17, 2021 3:49 PM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Vacancy Announcement for the Civil Ligation, Natural Resources, and Indian Affairs Division Hello, Attached is the Vacancy Announcement for a Legal Assistant position available at the Civil Ligation, Natural Resources, and Indian Affairs Division. Please let me know if you have any questions regarding this opening. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email:** aeisenbeis@nd.gov **Phone: 701-328-1256**

Record 1691

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	aeisenbeis@nd.gov
Subject	RE: Vacancy Announcement for the Civil Ligation, Natural Resources, and Indian Affairs Div ision
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:08:00.000 PM
Body	Oh. I thought you were going to do a Vacancy Announcement for this end of the hallway! Wayne Have a nice weekend. **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Friday, December 17, 2021 3:49 PM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Vacancy Announcement for the Civil Ligation, Natural Resources, and Indian Affairs Division Hello, Attached is the Vacancy Announcement for a Legal Assistant position available at the Civil Ligation, Natural Resources, and Indian Affairs Division. Please let me know if you have any questions regarding this opening. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email:** aeisenbeis@nd.gov **Phone: 701-328-1256**

Record 1692

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: Supreme Court Electronic Filing System

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:16:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:16:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:16:00.000 PM
Body	Actually, that's great news! Eliminates a conflict with the IC! Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, December 17, 2021 4:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Supreme Court Electronic Filing System ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Apologies- my email earlier misstated the date as Feb 22. The correct date is February 28th . The Court's website now shows the consolidated cases are the only argument set for February 28th **Oral Arguments** **Week of Monday, February 28** **Monday, February 28** West Virginia v. EPA (20-1530) North American Coal Corp. v. EPA (20-1531) Westmoreland Mining Holdings v. EPA (20-1778) North Dakota v. EPA (20-1780) *Consolidated* Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Friday, December 17, 2021 2:11 PM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	kfine@nd.gov

Record 1693

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: Supreme Court Electronic Filing System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:16:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:16:34.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 4:16:00.000 PM
Body	Actually, that's great news! Eliminates a conflict with the IC! Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, December 17, 2021 4:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Supreme Court Electronic Filing System ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Apologies- my email earlier misstated the date as Feb 22. The correct date is February 28th . The Court's website now shows the consolidated cases are the only argument set for February 28th **Oral Arguments** **Week of Monday, February 28** **Monday, February 28** West Virginia v. EPA (20-1530) North American Coal Corp. v. EPA (20-1531) Westmoreland Mining Holdings v. EPA (20-1778) North Dakota v. EPA (20-1780) *Consolidated* Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Friday, December 17, 2021 2:11 PM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	kfine@nd.gov

Record 1694

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Invitation to NDYR Convention
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 7:15:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 7:15:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 7:15:00.000 AM

Body	**From:** North Dakota Young Republicans <chair@ndyr.org> **Sent:** Friday, December 17, 2021 10:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Wayne Stenehjem <wstenehjem@aol.com> **Cc:** -Info-Attorney General <ndag@nd.gov> **Subject:** Invitation to NDYR Convention ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Mr. Stenehjem, Happy December! In making preparations for year-end, we wanted to let you know about an exciting event happening in early January. On January 15th at around 3:00pm, we will host the annual North Dakota Young Republicans State Convention in Bismarck. It's been a wild year. As Young Republicans, we've observed our first year of President Biden's attempt at #BuildBackBetter, and honestly, we think we could do "better." We are excited to meet with our membership for an update on what we've accomplished during this unprecedented time and vision casting for the future. This convention will focus on hosting Republican speakers campaigning in the 2022 election, YR bylaws, updates, and recruitment. I would like to extend an invitation for you to speak at our meeting. I want to thank you for your years of service, and ask you to address our body in your final year of office. I would also like to humbly ask you to consider donating financially to the cause of the organization. Our convention is always a grand event and does make up a significant portion of our yearly budget. What YR's lack in finances, we make up in energy and ambition. Thank you for your support as we endeavor to continue to provide leadership & direction for this organization. We would be delighted to see you on January 15. - NDYR State Chair Daryle Mindeman & Executive Committee NDYR State Convention: Saturday, January 15, 2022 (Registration at 2:00pm, call to order at 2:50pm, with speakers until 4:15pm) Location: Capitol Heights Baptist Church 4307 43rd Ave NE, Bismarck, ND 58503 ww.ndyr.org/2021convention -- Daryle Mindema Chairman, N Dakota Your Republicans 701.580.938 chair@ndyr www.ndyr.or Bismarck, NI

Record 1695

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Invitation to NDYR Convention
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 7:15:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 7:15:44.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 7:15:00.000 AM

Body	**From:** North Dakota Young Republicans <chair@ndyr.org> **Sent:** Friday, December 17, 2021 10:07 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Wayne Stenehjem <wstenehjem@aol.com> **Cc:** -Info-Attorney General <ndag@nd.gov> **Subject:** Invitation to NDYR Convention ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Mr. Stenehjem, Happy December! In making preparations for year-end, we wanted to let you know about an exciting event happening in early January. On January 15th at around 3:00pm, we will host the annual North Dakota Young Republicans State Convention in Bismarck. It's been a wild year. As Young Republicans, we've observed our first year of President Biden's attempt at #BuildBackBetter, and honestly, we think we could do "better." We are excited to meet with our membership for an update on what we've accomplished during this unprecedented time and vision casting for the future. This convention will focus on hosting Republican speakers campaigning in the 2022 election, YR bylaws, updates, and recruitment. I would like to extend an invitation for you to speak at our meeting. I want to thank you for your years of service, and ask you to address our body in your final year of office. I would also like to humbly ask you to consider donating financially to the cause of the organization. Our convention is always a grand event and does make up a significant portion of our yearly budget. What YR's lack in finances, we make up in energy and ambition. Thank you for your support as we endeavor to continue to provide leadership & direction for this organization. We would be delighted to see you on January 15. - NDYR State Chair Daryle Mindeman & Executive Committee NDYR State Convention: Saturday, January 15, 2022 (Registration at 2:00pm, call to order at 2:50pm, with speakers until 4:15pm) Location: Capitol Heights Baptist Church 4307 43rd Ave NE, Bismarck, ND 58503 ww.ndyr.org/2021convention -- Daryle Mindema Chairman, N Dakota Your Republicans 701.580.938 chair@ndyr www.ndyr.or Bismarck, NI

Record 1696

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Supreme Court Electronic Filing System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 6:49:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:10:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:10:34.000 AM

Body	Yes, I would like to attend. I understand SupCo is being strict on who may attend in person, but if permissible ,you need to be there! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, December 17, 2021 8:13:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System I assume you will be flying out for this. Do you think I could go? **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, December 17, 2021 4:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Supreme Court Electronic Filing System ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Apologies- my email earlier misstated the date as Feb 22. The correct date is February 28th . The Court's website now shows the consolidated cases are the only argument set for February 28th **Oral Arguments** **Week of Monday, February 28** **Monday, February 28** West Virginia v. EPA (20-1530) North American Coal Corp. v. EPA (20-1531) Westmoreland Mining Holdings v. EPA (20-1778) North Dakota v. EPA (20-1780) *Consolidated* Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Friday, December 17, 2021 2:11 PM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1697

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Supreme Court Electronic Filing System
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 6:49:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:10:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/18/2021 8:10:34.000 AM

Body	Yes, I would like to attend. I understand SupCo is being strict on who may attend in person, but if permissible ,you need to be there! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, December 17, 2021 8:13:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System I assume you will be flying out for this. Do you think I could go? **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Friday, December 17, 2021 4:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Supreme Court Electronic Filing System ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Apologies- my email earlier misstated the date as Feb 22. The correct date is February 28th . The Court's website now shows the consolidated cases are the only argument set for February 28th **Oral Arguments** **Week of Monday, February 28** **Monday, February 28** West Virginia v. EPA (20-1530) North American Coal Corp. v. EPA (20-1531) Westmoreland Mining Holdings v. EPA (20-1778) North Dakota v. EPA (20-1780) *Consolidated* Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) **Sent:** Friday, December 17, 2021 2:11 PM **To:** 'Stenehjem, Wayne K.' <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Supreme Court Electronic Filing System The Supreme Court has just set February 22, 2022 for oral argument Paul M. Seby Tel 303.572.6584 **From:** efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov> **Sent:** Friday, December 17, 2021 2:09 PM **To:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Subject:** Supreme Court Electronic Filing System ***EXTERNAL TO GT*** A new docket entry, "ARGUMENT SET FOR Monday, February 28, 2022. VIDED." has been added for North Dakota, Petitioner v. Environmental Protection Agency, et al.. If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1698

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	CHRISTMAS LIST
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 7:52:00.000 AM
Body	
Attachments	16044.pdf

Record 1699

Sender Name	Stenehjem, Wayne K.

Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	CHRISTMAS LIST
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/19/2021 7:52:00.000 AM
Body	
Attachments	12694.pdf

Record 1700

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	khelm@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:00.000 AM

Body	Thanks so much, Kerrie. I consider it a privilege to work with you all this time! It was nice to visit with you last week! Best to you and yours at Christmas. Wayne **From:** Helm, Kerrie L. <khelm@nd.gov> **Sent:** Monday, December 20, 2021 6:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Congratulations on your well-deserved retirement! Your announcement makes me happy for you, but sad for me. It has been such a privilege to serve for a man with such integrity. Thank you for the kindness you have always shown to me and my family. You have been so good to me, it is why I have stayed for the past 33 years. I am excited to see all the adventures of Wayne and Beth ☺ *Kerrie* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1701

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	khelm@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:05.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:07:00.000 AM

Body	Thanks so much, Kerrie. I consider it a privilege to work with you all this time! It was nice to visit with you last week! Best to you and yours at Christmas. Wayne **From:** Helm, Kerrie L. <khelm@nd.gov> **Sent:** Monday, December 20, 2021 6:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Congratulations on your well-deserved retirement! Your announcement makes me happy for you, but sad for me. It has been such a privilege to serve for a man with such integrity. Thank you for the kindness you have always shown to me and my family. You have been so good to me, it is why I have stayed for the past 33 years. I am excited to see all the adventures of Wayne and Beth ☺ *Kerrie* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, ***Wayne***

Record 1702

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddepountis@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:09:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:09:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:09:00.000 AM

Body	You are very kind, Dean. It's been a pleasure to work with you [and Sandy] over the years! Merry Christmas to both of you! Wayne **From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Sunday, December 19, 2021 2:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Sandy and I enjoyed a delightful getaway in Orlando last week. I'm just catching up on some emails, as well as processing the news. Though for only a relatively short while, it has been a pleasure and a privilege working with you thus far, and I look forward to the remaining year ahead. I wish you interesting, meaningful adventures in the next chapter of life. Best, Dean *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1703

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddepountis@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:09:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:09:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:09:00.000 AM

Body	You are very kind, Dean. It's been a pleasure to work with you [and Sandy] over the years! Merry Christmas to both of you! Wayne **From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Sunday, December 19, 2021 2:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Sandy and I enjoyed a delightful getaway in Orlando last week. I'm just catching up on some emails, as well as processing the news. Though for only a relatively short while, it has been a pleasure and a privilege working with you thus far, and I look forward to the remaining year ahead. I wish you interesting, meaningful adventures in the next chapter of life. Best, Dean *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210* **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1704

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	geoff@ndenergy.org
Subject	RE: Comments on Hydrogen Hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:26:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:26:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:26:00.000 AM

Body	Thanks, Geoff. [And I did read through to the end □□ Wayne **From:** Geoff Simon <geoff@ndenergy.org> **Sent:** Friday, December 17, 2021 9:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Comments on Hydrogen Hub ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Wayne – Sorry this is a long email, but please read it in its entirety. The Coal Conversion Counties Association is a subset of the Western Dakota Energy Association. The CCCA represents cities, counties and school districts in the three coal-producing counties. Its members are concerned about the pending proposal of Bakken Energy and Mitsubishi to convert the Great Plains Synfuels plant to produce blue hydrogen from natural gas. Attached is a letter you previously received stating some of those concerns. CCCA members suspect that because the project received the early endorsement of Governor Burgum, important questions have not been addressed and the project has not been thoroughly vetted. Earlier this week, the application of Bakken Energy for a grant and loan to support the project was endorsed by the Clean Sustainable Energy Authority, and will be coming before the Industrial Commission next week. After listening to the orchestrated presentation of Bakken Energy, and the ensuing discussion with the CSEA board, our coal county members still have many unanswered questions. Please consider these as you ponder a decision at next week's Industrial Commission meeting: 1. Bakken Energy proposes to use 175 million cubic feet of natural gas per day to produce hydrogen. How will the product be transported to market? Is Bakken proposing to construct an ammonia pipeline? Where would it go and what is the timeline/likelihood for permitting? If not a pipeline, how will that volume of product be transported? 2. Basin Electric said it has been losing money at the synfuels plant due to low natural gas prices. But prices have increased significantly in recent months. Is the plant once again profitable producing syngas from coal? If the plant is profitable in the next three years of operation, how does it affect the plan to produce hydrogen? 3. Federal grant guidelines generally require local support for a project, but Bakken Energy has not met with the CCCA membership to answer their questions. Why hasn't that meeting occurred? 4. It appears this project is heavily dependent on federal grants and loans from DOE. Will the parties, Bakken Energy and Mitsubishi (which is a $5.2 trillion company), proceed with the project if it fails to receive federal support? 5. If the project depends on federal support that may or may not be received, is it premature for the State of North Dakota to make a financial commitment at this time? Should the decision of the Industrial Commission be postponed until there is more certainty about project funding? Thank you for your consideration. *Geoff Simon* Executive Director Western Dakota Energy Association 701-527-1832 (mobile) geoff@ndenergy.org

Record 1705

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	geoff@ndenergy.org
Subject	RE: Comments on Hydrogen Hub
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:26:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:26:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:26:00.000 AM

Body	Thanks, Geoff. [And I did read through to the end □□ Wayne **From:** Geoff Simon <geoff@ndenergy.org> **Sent:** Friday, December 17, 2021 9:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Comments on Hydrogen Hub ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Wayne – Sorry this is a long email, but please read it in its entirety. The Coal Conversion Counties Association is a subset of the Western Dakota Energy Association. The CCCA represents cities, counties and school districts in the three coal-producing counties. Its members are concerned about the pending proposal of Bakken Energy and Mitsubishi to convert the Great Plains Synfuels plant to produce blue hydrogen from natural gas. Attached is a letter you previously received stating some of those concerns. CCCA members suspect that because the project received the early endorsement of Governor Burgum, important questions have not been addressed and the project has not been thoroughly vetted. Earlier this week, the application of Bakken Energy for a grant and loan to support the project was endorsed by the Clean Sustainable Energy Authority, and will be coming before the Industrial Commission next week. After listening to the orchestrated presentation of Bakken Energy, and the ensuing discussion with the CSEA board, our coal county members still have many unanswered questions. Please consider these as you ponder a decision at next week's Industrial Commission meeting: 1. Bakken Energy proposes to use 175 million cubic feet of natural gas per day to produce hydrogen. How will the product be transported to market? Is Bakken proposing to construct an ammonia pipeline? Where would it go and what is the timeline/likelihood for permitting? If not a pipeline, how will that volume of product be transported? 2. Basin Electric said it has been losing money at the synfuels plant due to low natural gas prices. But prices have increased significantly in recent months. Is the plant once again profitable producing syngas from coal? If the plant is profitable in the next three years of operation, how does it affect the plan to produce hydrogen? 3. Federal grant guidelines generally require local support for a project, but Bakken Energy has not met with the CCCA membership to answer their questions. Why hasn't that meeting occurred? 4. It appears this project is heavily dependent on federal grants and loans from DOE. Will the parties, Bakken Energy and Mitsubishi (which is a $5.2 trillion company), proceed with the project if it fails to receive federal support? 5. If the project depends on federal support that may or may not be received, is it premature for the State of North Dakota to make a financial commitment at this time? Should the decision of the Industrial Commission be postponed until there is more certainty about project funding? Thank you for your consideration. *Geoff Simon* Executive Director Western Dakota Energy Association 701-527-1832 (mobile) geoff@ndenergy.org

Record 1706

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	blsatrom@nd.gov
Subject	RE: Idea
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:33:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:33:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:33:00.000 AM

Body	Thanks for your email. This idea was floated a couple of sessions ago, and never really got much traction. [Indigent defense needed a lot more than the small amount of money generated by asset forfeiture.] Best to you for Christmas and for 2022! Wayne **From:** Satrom, Bernie L. <blsatrom@nd.gov> **Sent:** Saturday, December 18, 2021 9:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Idea There has been a little accusation of policing for profit in our civil asset forfeiture. Some states are using it for indigent defense. Any thoughts? Bernie Rep. Bernie Satrom

Record 1707

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	blsatrom@nd.gov
Subject	RE: Idea
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:33:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:33:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:33:00.000 AM
Body	Thanks for your email. This idea was floated a couple of sessions ago, and never really got much traction. [Indigent defense needed a lot more than the small amount of money generated by asset forfeiture.] Best to you for Christmas and for 2022! Wayne **From:** Satrom, Bernie L. <blsatrom@nd.gov> **Sent:** Saturday, December 18, 2021 9:04 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Idea There has been a little accusation of policing for profit in our civil asset forfeiture. Some states are using it for indigent defense. Any thoughts? Bernie Rep. Bernie Satrom

Record 1708

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Preliminary Homicide list for 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:34:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:34:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:34:00.000 AM

Body	Can you print this on the color printer, please **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Friday, December 17, 2021 12:12 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Preliminary Homicide list for 2021 Here you go! Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!
Attachments	16043.xlsx

Record 1709

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Preliminary Homicide list for 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:34:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:34:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:34:00.000 AM
Body	Can you print this on the color printer, please **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Friday, December 17, 2021 12:12 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Preliminary Homicide list for 2021 Here you go! Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!
Attachments	12693.xlsx

Record 1710

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Travis.Svihovec@bismarcktribune.com
Subject	RE: Thanks
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:37:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:37:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:37:00.000 AM

Body	Thanks so much, Travis. I'm glad to hear that the scotcheroos made it all the way to you! It's been a pleasure to work with you as well, You always dig in and get it right. Looking forward to working with you in 2022, and wishing you the very Happiest of the Christmas season! Wayne **From:** Travis Svihovec <Travis.Svihovec@bismarcktribune.com> **Sent:** Friday, December 17, 2021 11:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Thanks ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Mr. Stenehjem, Just a note to say thanks for your years of service to North Dakota. I enjoyed working with you on stories and always appreciated your knowledge of topics and your willingness to give me some of your time. Thanks too for letting Jack take those Scotcheroos. He was kind enough to share them, and honestly I'm not sure I would have done that. Please tell Beth hers are still the best I've ever had. Wishing you all the best, TS Travis Svihovec Reporter Bismarck Tribune 701-250-8260

Record 1711

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Travis.Svihovec@bismarcktribune.com
Subject	RE: Thanks
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:37:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:37:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:37:00.000 AM
Body	Thanks so much, Travis. I'm glad to hear that the scotcheroos made it all the way to you! It's been a pleasure to work with you as well, You always dig in and get it right. Looking forward to working with you in 2022, and wishing you the very Happiest of the Christmas season! Wayne **From:** Travis Svihovec <Travis.Svihovec@bismarcktribune.com> **Sent:** Friday, December 17, 2021 11:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Thanks ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning Mr. Stenehjem, Just a note to say thanks for your years of service to North Dakota. I enjoyed working with you on stories and always appreciated your knowledge of topics and your willingness to give me some of your time. Thanks too for letting Jack take those Scotcheroos. He was kind enough to share them, and honestly I'm not sure I would have done that. Please tell Beth hers are still the best I've ever had. Wishing you all the best, TS Travis Svihovec Reporter Bismarck Tribune 701-250-8260

Record 1712

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov

Subject	FW: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:59:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:59:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:59:00.000 AM
Body	Is there really a photo of me and Pat that I haven't signed? Wayne **From:** PH420 <ph420@nd.gov> **Sent:** Monday, December 20, 2021 8:57 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Congratulations! I know I'm at the age where I'm looking forward to retirement. I can only hope that the next AG is as good as you have been to us. It's a bittersweet time for you and us at BCI. You were right, when you said you were the only AG I knew since I was hired. I'd like to ask that before you go, you find time to autograph the picture of us when I was hired on. It's something that I will display proudly. North Dakota Bureau of Criminal Investigations Special Agent Pat Helfrich PO Box 1054 Bismarck, ND 58502-1054 phone: 701-328-5500 fax: 701-328-5510 email: ph420@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*
Attachments	image001[14873].jpg

Record 1713

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:59:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:59:23.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:59:00.000 AM
Body	Is there really a photo of me and Pat that I haven't signed? Wayne **From:** PH420 <ph420@nd.gov> **Sent:** Monday, December 20, 2021 8:57 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Congratulations! I know I'm at the age where I'm looking forward to retirement. I can only hope that the next AG is as good as you have been to us. It's a bittersweet time for you and us at BCI. You were right, when you said you were the only AG I knew since I was hired. I'd like to ask that before you go, you find time to autograph the picture of us when I was hired on. It's something that I will display proudly. North Dakota Bureau of Criminal Investigations Special Agent Pat Helfrich PO Box 1054 Bismarck, ND 58502-1054 phone: 701-328-5500 fax: 701-328-5510 email: ph420@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*
Attachments	image001[11410].jpg

Record 1714

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sg414@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:01:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:01:37.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:01:00.000 AM

Body	Not to put too fine a point on it, Steve, but you've been one of the best. Leaving the dedicated agents at BCI is one of the hardest things about my decision. Wayne Merry Christmas to you and your family! **From:** SG414 <sg414@nd.gov> **Sent:** Monday, December 20, 2021 8:17 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Congratulations Sir!!! I was hoping to talk you into one more term but it will be a well deserved retirement.. Steve Gilpin Special Agent ND Bureau of Criminal Investigation GFNTF Coordinator §44-04-18.3 sg414@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1715

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sg414@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:01:37.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:01:37.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 9:01:00.000 AM

Body	Not to put too fine a point on it, Steve, but you've been one of the best. Leaving the dedicated agents at BCI is one of the hardest things about my decision. Wayne Merry Christmas to you and your family! **From:** SG414 <sg414@nd.gov> **Sent:** Monday, December 20, 2021 8:17 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Congratulations Sir!!! I was hoping to talk you into one more term but it will be a well deserved retirement.. Steve Gilpin Special Agent ND Bureau of Criminal Investigation GFNTF Coordinator §44-04-18.3 sg414@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1716

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	RE: Merry Christmas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:40:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:40:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:40:00.000 AM

Body	You are most welcome, Marina. Congratulations on your stellar job at getting our MFCU up and running with top staff and leadership. Merry Christmas to you! Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Monday, December 20, 2021 10:28 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Merry Christmas I hope you have a wonderful holiday. Thank you for all of the support that you have given us. Marina
Attachments	image001[14895].png, image003[14893].emz, image005[14894].png

Record 1717

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	RE: Merry Christmas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:40:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:40:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:40:00.000 AM
Body	You are most welcome, Marina. Congratulations on your stellar job at getting our MFCU up and running with top staff and leadership. Merry Christmas to you! Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Monday, December 20, 2021 10:28 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Merry Christmas I hope you have a wonderful holiday. Thank you for all of the support that you have given us. Marina
Attachments	image001[11432].png, image003[11430].emz, image005[11431].png

Record 1718

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jkthomps@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:41:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:41:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:41:00.000 AM

Body	Sorry we didn't get a chance to say Merry Christmas in person last week! Best to you for the Holidays! Wayne **From:** Thompson, Julie K. <jkthomps@nd.gov> **Sent:** Monday, December 20, 2021 9:19 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Best wishes on your new adventures, from one of the "couple". LOL Have a Merry Christmas. Julie **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1719

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jkthomps@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:41:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:41:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 10:41:00.000 AM

Body	Sorry we didn't get a chance to say Merry Christmas in person last week! Best to you for the Holidays! Wayne **From:** Thompson, Julie K. <jkthomps@nd.gov> **Sent:** Monday, December 20, 2021 9:19 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Best wishes on your new adventures, from one of the "couple". LOL Have a Merry Christmas. Julie **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*

Record 1720

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mhathaway@nd.gov
Subject	RE: I was wrong twice
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 4:41:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 4:41:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 4:41:00.000 PM

Body	Thanks, Mark. Great to see you and Julie on Friday. Merry Christmas! Wayne **From:** Hathaway, Mark <mhathaway@nd.gov> **Sent:** Monday, December 20, 2021 4:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** I was wrong twice When you asked me where Marina was from I gave you the wrong answer twice. So I asked her. She is actually from Baku, Azerbaijan originally. She did live in Russia for a time. Mark Hathaway Database Design Analyst

Record 1721

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mhathaway@nd.gov
Subject	RE: I was wrong twice
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 4:41:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 4:41:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 4:41:00.000 PM
Body	Thanks, Mark. Great to see you and Julie on Friday. Merry Christmas! Wayne **From:** Hathaway, Mark <mhathaway@nd.gov> **Sent:** Monday, December 20, 2021 4:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** I was wrong twice When you asked me where Marina was from I gave you the wrong answer twice. So I asked her. She is actually from Baku, Azerbaijan originally. She did live in Russia for a time. Mark Hathaway Database Design Analyst

Record 1722

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	download.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:35:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:35:44.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:35:00.000 PM
Body	
Attachments	download[16042].pdf

Record 1723

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	download.pdf

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:35:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:35:44.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/20/2021 8:35:00.000 PM
Body	
Attachments	download[12692].pdf

Record 1724

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Court Grants Preliminary Injunction in Fed. Contractor Case/Applies to ND
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 7:02:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 7:02:39.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 7:02:00.000 AM

Body

Nice

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Monday, December 20, 2021 9:03 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Yon, Nancy D. <ndyon@nd.gov>; Harju, John <jharju@undeerc.org>
Subject: Court Grants Preliminary Injunction in Fed. Contractor Case/Applies to ND

FYI!

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Sent: Monday, December 20, 2021 4:36 PM
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Cc: 'Dewhirst, David' <david.dewhirst@mt.gov>; Lanahan, Maria <Maria.Lanahan@ago.mo.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; Gregory, Kaleb <Kaleb.Gregory@ago.mo.gov>
Subject: RE: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update

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Subject: RE: CONFIDENTIAL COMMON INTEREST PRIVILEGE - Federal Contractor Vaccine Mandate Scheduling Update

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Missouri Attorney General's Office
815 Olive Street, Suite 200
St. Louis, MO 63101
Michael.Talent@ago.mo.gov

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Record 1725

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Court Grants Preliminary Injunction in Fed. Contractor Case/Applies to ND
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 7:02:39.000 AM
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Record 1726

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com, astenehjem31@gmail.com
Subject	FW: It's Almost Time For Your Flight
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 7:07:57.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 7:07:57.000 AM
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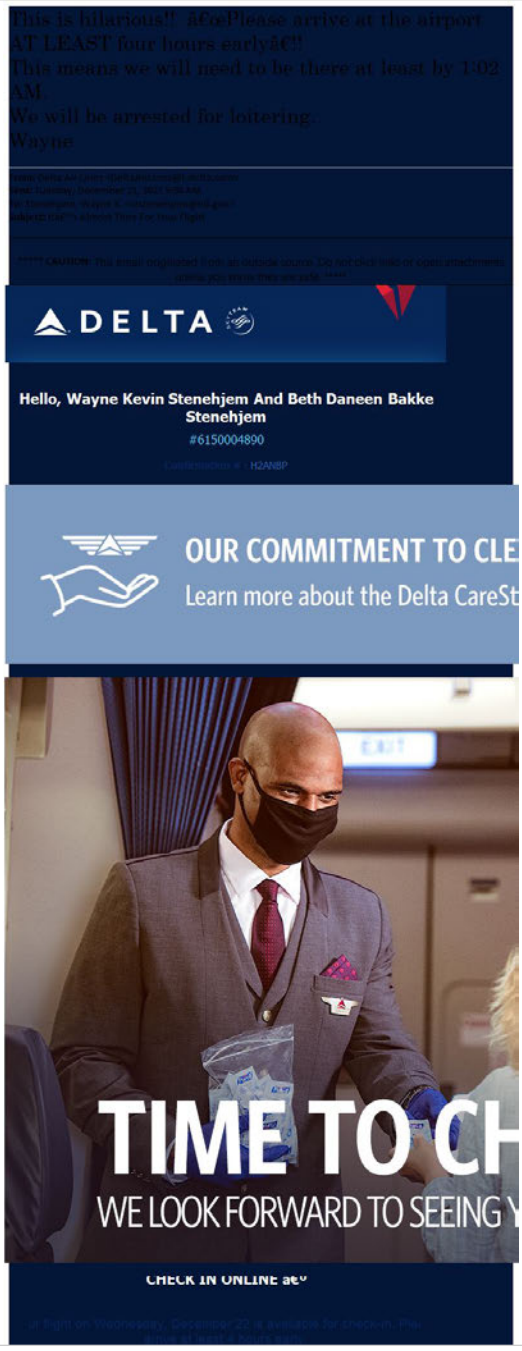
Body	This is hilarious!! â€œPlease arrive at the airport AT LEAST four hours earlyâ€!! This means we will need to be there at least by 1:02 AM. We will be arrested for loitering. Wayne 

Body

Delta FlyReady℠

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YOUR PRE-TRIP CHECKLIST FOR EASIER TRAVEL

Download Now â€º

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Trip One

Wednesday ecember 22	DEPART	ARRIVE	SEAT
Delta 3776 Operated by West DBA Delta Connection	Bismarck, North Dakota 5:02 am	Minneapolis/St. Paul, Minnesota 6:45 am	5A, 05B
Delta 1915	Minneapolis/St. Paul, Minnesota 8:03 am	Montego Bay 1:50 pm	2A, 02B

Trip Two

Wednesday ecember 29	DEPART	ARRIVE	SEAT
Delta 1893	Montego Bay 3:20 pm	Minneapolis/St. Paul, Minnesota 7:30 pm	2D, 02C
Delta 3603 Operated by West DBA Delta Connection	Minneapolis/St. Paul, Minnesota 10:45 pm	Bismarck, North Dakota** 12:26 am on December 30	7A, 07B

**Arrival date is different than departure date.

ARRIVE EARLY

here.

CHECK DELTA DISCOVER MAP FOR YOUR DESTINATIONâ€™S ENTRY REQUIREMENTS

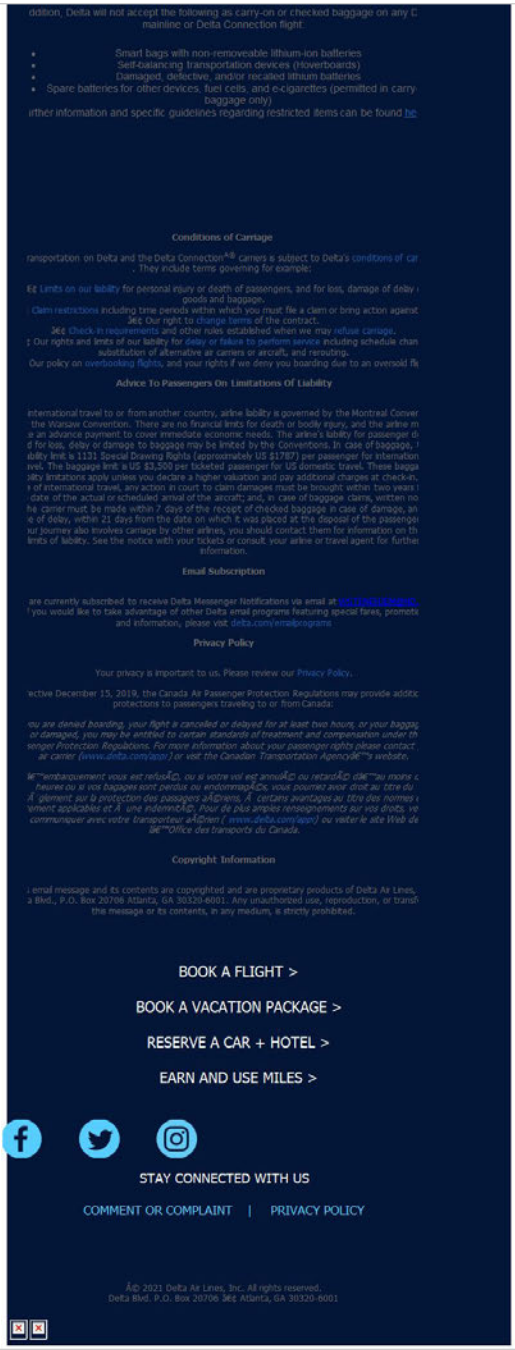
Delta Discover Map here.

MASKS REQUIRED IN THE AIRPORT & ON BOARD

Learn More â€º

Body	[redacted]

Body	RESTRICTED HAZARDOUS ITEMS As a reminder, firearms, loaded or unloaded, are not permitted through TSA security checkpoints. For more information on the transport of firearms, firearms part and ammunition click here.

Body	

Record 1727

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com, astenehjem31@gmail.com
Subject	FW: It's Almost Time For Your Flight
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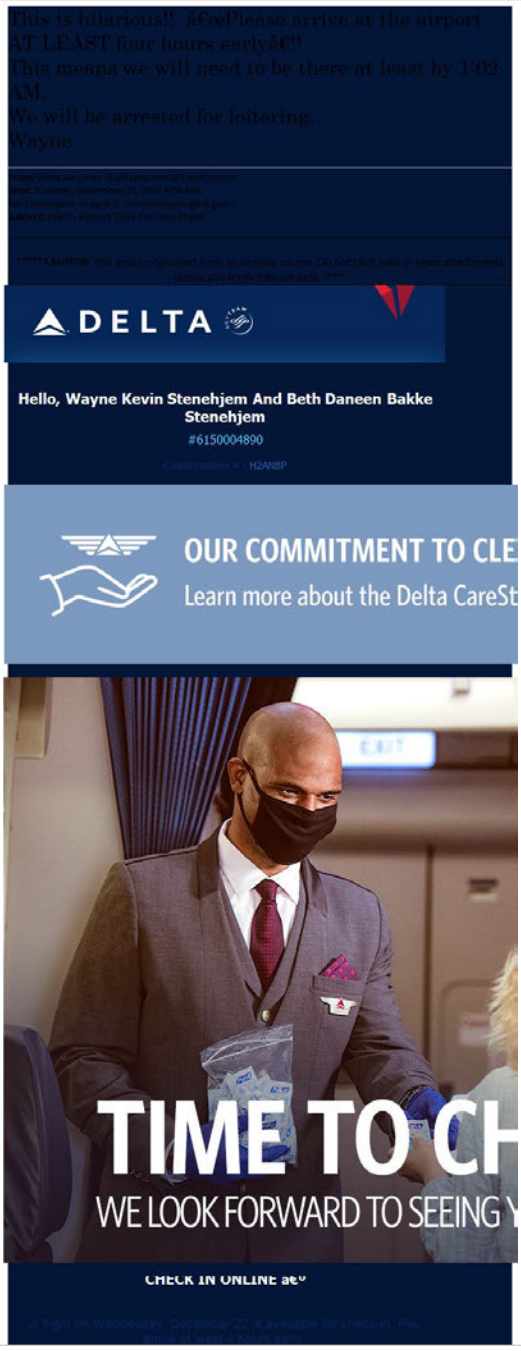
Body	

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AT LEAST four hours earlyâ€!
This means we will need to be there at least by 1:02
AM.
We will be arrested for loitering.
Wayne
DELTA
Hello, Wayne Kevin Stenehjem And Beth Daneen Bakke
Stenehjem
#6150004890
OUR COMMITMENT TO CLE
Learn more about the Delta CareSt
TIME TO CH
WE LOOK FORWARD TO SEEING Y
CHECK IN ONLINE ae

Body	

Trip One

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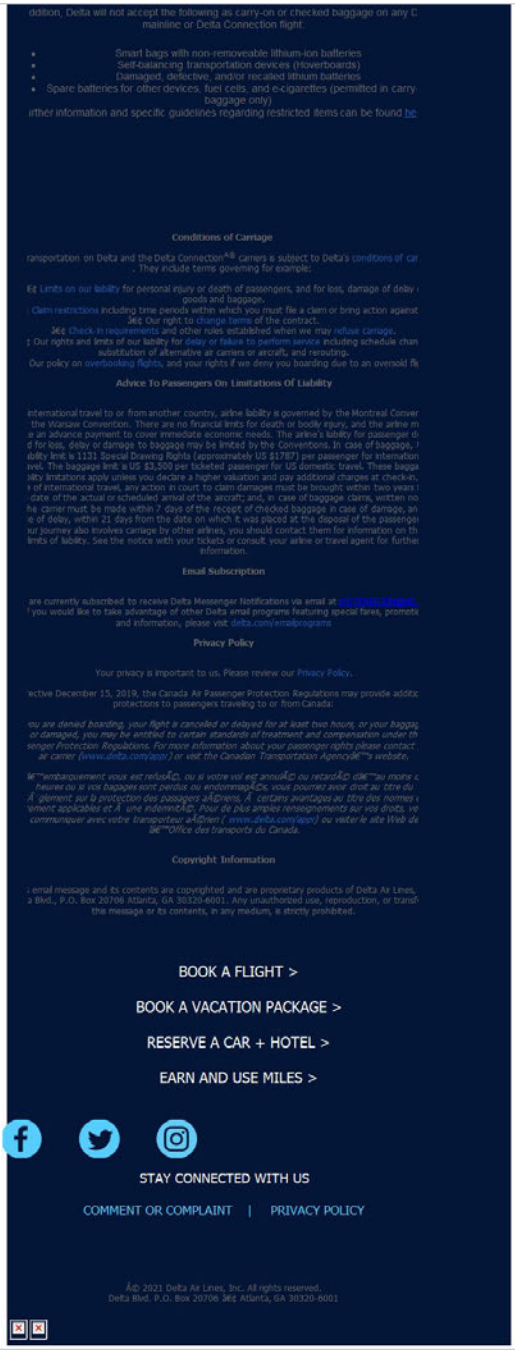
Body	

Record 1728

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:12:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:13:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:13:10.000 AM

Body

Your recommendation?

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, December 21, 2021 8:35:15 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Thiel, Jolene J. <jjthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Attached is a new amicus request. Deadline to join is Dec. 27. Here is the explanation from below:

We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so.

Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27.

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Monday, December 20, 2021 7:11 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here.

For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well.

We will be able to accept sign-ons until **December 27 at 5pm Eastern.**

Body	Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.
CC	jthiel@nd.gov

Record 1729

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:12:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:13:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:13:10.000 AM

Body

Your recommendation?

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, December 21, 2021 8:35:15 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Attached is a new amicus request. Deadline to join is Dec. 27. Here is the explanation from below:

We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so.

Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27.

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Monday, December 20, 2021 7:11 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

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Hi all,

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For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well.

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CC	jthiel@nd.gov

Record 1730

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: Activity in Case 3:15-cv-00059-PDW-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Status Report Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:00.000 AM

Body

Very well.
Merry Christmas everyone!
Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, December 21, 2021 9:47 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: Activity in Case 3:15-cv-00059-PDW-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Status Report Order

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Quick reaction from Judge Senechal continuing ND's stay in its WOTUS case

Paul M. Seby
Tel 303.572.6584

From: ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov>
Sent: Tuesday, December 21, 2021 8:43 AM
To: CourtMail@ndd.uscourts.gov

Subject: Activity in Case 3:15-cv-00059-PDW-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Status Report Order

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U.S. District Court

District of North Dakota

Notice of Electronic Filing
The following transaction was entered on 12/21/2021 at 9:43 AM CST and filed on 12/21/2021
Case Name: North Dakota et al v. U.S. Environmental Protection Agency et al
Case Number: 3:15-cv-00059-PDW-ARS
Filer:
Document Number: 345(No document attached)

Docket Text:
(Text Only) STATUS REPORT ORDER by Magistrate Judge Alice R. Senechal. Plaintiffs shall file a Status Report by 3/21/2022. (KT)

3:15-cv-00059-PDW-ARS Notice has been electronically mailed to:

Wayne K. Stenehjem wstenehjem@nd.gov

Charles D. McGuigan charles.mcguigan@state.sd.us, lynell.erickson@state.sd.us

Margaret I. Olson maiolson@nd.gov, ckvislen@nd.gov, jthiel@nd.gov, masagsve@nd.gov

Jennifer L. Verleger jverleger@nd.gov

Paul M. Seby sebyp@gtlaw.com, DENLitDock@GTLAW.com, lawsu@gtlaw.com

James C. Kaste james.kaste@wyo.gov, cheryl.lobb@wyo.gov

David T. Bydalek dave.bydalek@nebraska.gov

Justin D. Lavene justin.lavene@nebraska.gov, desiree.konwinski@nebraska.gov

Body	Peter G. Scott peter@scott-law.com Franklin J. Falen frank@buddfalen.com, karen@buddfalen.com, melissa@buddfalen.com Harriet M. Hageman hhageman@hagemanlaw.com, admin@hagemanlaw.com Anne K. Wasserburger awasserburger@hagemanlaw.com Jacob J. Larson jacob.larson@ag.iowa.gov David S. Steward david.steward@ag.iowa.gov, jacob.larson@ag.iowa.gov, taylor.iregui@ag.iowa.gov Janette K. Brimmer jbrimmer@earthjustice.org, apatel@earthjustice.org, cmcevoy@earthjustice.org, hmurphy@earthjustice.org Kyra Hill kyra@braatenlawfirm.com Mark Cecchini-Beaver mark.cecchini-beaver@deq.idaho.gov, patricia.jordan@deq.idaho.gov Dominic E. Draye dominic.draye@protonmail.com Devon L. McCune devon.mccune@usdoj.gov, carla.valentino@usdoj.gov, efile_nrs.enrd@usdoj.gov, seth.allison@usdoj.gov Nicholas Bronni Nicholas.Bronni@arkansasag.gov Michael B Kimberly mkimberly@mayerbrown.com Timothy S Bishop tbishop@mayerbrown.com Erin N. Okuno okuno@law.stetson.edu Royal C. Gardner gardner@law.stetson.edu Kathleen E. Gardner kathleen.gardner6@gmail.com Christopher W. Greer cgreer@parkjensen.com Stephanie Tai tai2@wisc.edu Charles C. Caldart cccnelc@aol.com Anthony L. Francois (Terminated) tfrancois@briscoelaw.net, Cbakarich@pacificlegal.org, DMO@pacificlegal.org, incominglit@pacificlegal.org, mwilliams@pacificlegal.org Daniel Ortner dortner@pacificlegal.org Mollie Williams Riddle (Terminated) mwilliams@pacificlegal.org Keith Joseph Miller kjmiller@fclaw.com Kathryn Armstrong karmstrong@ag.nv.gov, dwright@ag.nv.gov Sonya Shea sonya.shea@usdoj.gov, efile_eds.enrd@usdoj.gov Hubert T. Lee hubert.lee@usdoj.gov Rusty D. Crandell rusty.crandell@azag.gov Jennifer Currie jennifer.currie@alaska.gov Robert John Makar ACL@azag.gov Dean John Sauer john.sauer@ago.mo.gov Charles Timothy Yates cyates@pacificlegal.org, incominglit@pacificlegal.org, tdyer@pacificlegal.org Kathleen Smithgall kathleen.smithgall@mt.gov **3:15-cv-00059-PDW-ARS Notice will not be electronically mailed to:** If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1731

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: Activity in Case 3:15-cv-00059-PDW-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Status Report Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:24.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 9:48:00.000 AM

Body

Very well.
Merry Christmas everyone!
Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, December 21, 2021 9:47 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: Activity in Case 3:15-cv-00059-PDW-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Status Report Order

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Quick reaction from Judge Senechal continuing ND's stay in its WOTUS case

Paul M. Seby
Tel 303.572.6584

From: ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov>
Sent: Tuesday, December 21, 2021 8:43 AM
To: CourtMail@ndd.uscourts.gov

Subject: Activity in Case 3:15-cv-00059-PDW-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Status Report Order

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U.S. District Court

District of North Dakota

Notice of Electronic Filing
The following transaction was entered on 12/21/2021 at 9:43 AM CST and filed on 12/21/2021
Case Name: North Dakota et al v. U.S. Environmental Protection Agency et al
Case Number: 3:15-cv-00059-PDW-ARS
Filer:
Document Number: 345(No document attached)

Docket Text:
(Text Only) STATUS REPORT ORDER by Magistrate Judge Alice R. Senechal. Plaintiffs shall file a Status Report by 3/21/2022. (KT)

3:15-cv-00059-PDW-ARS Notice has been electronically mailed to:

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Charles D. McGuigan charles.mcguigan@state.sd.us, lynell.erickson@state.sd.us

Margaret I. Olson maiolson@nd.gov, ckvislen@nd.gov, jthiel@nd.gov, masagsve@nd.gov

Jennifer L. Verleger jverleger@nd.gov

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Justin D. Lavene justin.lavene@nebraska.gov, desiree.konwinski@nebraska.gov

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Record 1732

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 1:32:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 1:32:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 1:32:00.000 PM

Body

Keep me posted on whether there's a critical mass of sign ons for this, please.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, December 21, 2021 8:35 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Attached is a new amicus request. Deadline to join is Dec. 27. Here is the explanation from below:

We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so.

Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27.

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Monday, December 20, 2021 7:11 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here.

For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well.

We will be able to accept sign-ons until **December 27 at 5pm Eastern.**

Body	Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 1733

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 1:32:06.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 1:32:06.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 1:32:00.000 PM

Body

Keep me posted on whether there's a critical mass of sign ons for this, please.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, December 21, 2021 8:35 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

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Sent: Monday, December 20, 2021 7:11 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

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For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well.

We will be able to accept sign-ons until **December 27 at 5pm Eastern.**

Body	Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 1734

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Head Start - as filed copies
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:29:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:29:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:29:00.000 PM

Body	You may have already sent this to me, but do you have the ND declaration on this? W **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, December 21, 2021 3:59 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Head Start - as filed copies FYI **From:** Tyler Green <tyler@consovoymccarthy.com> **Sent:** Tuesday, December 21, 2021 3:54 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; James Percival <James.Percival@myfloridalegal.com>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; ryan.schelhaas@wyo.gov; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; McVey, David <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>; Jeff Hetzel <jhetzel@consovoymccarthy.com>; Tyler@consovoymccarthy.com **Subject:** Head Start - as filed copies ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi all, At Liz's request, attached are copies of the as-filed complaint, PI motion, and PI memo. We have not included here copies of the supporting declarations because there are so many of them. But if you'd like copies, please let us know and we'll be happy to send them along. Thank you, Tyler

Record 1735

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Head Start - as filed copies
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:29:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:29:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:29:00.000 PM

Body	You may have already sent this to me, but do you have the ND declaration on this? W **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, December 21, 2021 3:59 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Head Start - as filed copies FYI **From:** Tyler Green <tyler@consovoymccarthy.com> **Sent:** Tuesday, December 21, 2021 3:54 PM **To:** Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; Sauer, John <John.Sauer@ago.mo.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; Andree.Blumstein@ag.tn.gov; Campbell, Jim <jim.campbell@nebraska.gov>; cori.mills@alaska.gov; Corrine.Youngs@atg.in.gov; daniel.bell@myfloridalegal.com; Drew Waldbeser <DWaldbeser@LAW.GA.GOV>; Smith, Emory <ESmith@scag.gov>; 'Fisher, Tom' <Tom.Fisher@atg.in.gov>; Galdieri, Anthony <Anthony.J.Galdieri@doj.nh.gov>; henry.whitaker@myfloridalegal.com; Higgins, Kevin A (LAW <kevin.higgins@alaska.gov>; Jeffrey.DeSousa@myfloridalegal.com; jessie.alloway@alaska.gov; Kane, Brian <brian.kane@ag.idaho.gov>; 'LaCour, Edmund' <Edmund.LaCour@AlabamaAG.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; 'Meredith, Chad (KYOAG)' <Chad.Meredith@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; ninia.dizon@alaska.gov; Paul.Swedlund@state.sd.us; Richard.Martin@myfloridalegal.com; Ross Bergethon <RBergethon@LAW.GA.GOV>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; ryan.schelhaas@wyo.gov; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott Stewart' <Scott.Stewart@ago.ms.gov>; sean.gill@doj.nh.gov; 'Stone, Judd' <Judd.Stone@oag.texas.gov>; Thomas Hydrick <ThomasHydrick@scag.gov>; Travis Johnson <TJohnson@LAW.GA.GOV>; Zach West <zach.west@oag.ok.gov>; Mead, Brent <Brent.Mead2@mt.gov>; Corrigan, Christian <Christian.Corrigan@mt.gov>; jhetzel@consovoymccarthy.com **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; thomashydrick@scag.gov; SPetrany@law.ga.gov; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; James Percival <James.Percival@myfloridalegal.com>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; ryan.schelhaas@wyo.gov; katherine.robertson@alabamaag.gov; Justin Matheny <Justin.Matheny@ago.ms.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; McVey, David <David.McVey@state.sd.us>; Michael R. Williams <Michael.R.Williams@wvago.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Wallace, Benjamin <WallaceB@ag.louisiana.gov>; Brungard, Morgan <BrungardM@ag.louisiana.gov>; Kollmeyer, Josiah <KollmeyerJ@ag.louisiana.gov>; McPhee, Shae <McPheeS@ag.louisiana.gov>; Daigle, Elisabeth <DaigleE@ag.louisiana.gov>; Daniel@consovoymccarthy.Com; Barbalich, Lauren <BarbalichL@ag.louisiana.gov>; Jeff Hetzel <jhetzel@consovoymccarthy.com>; Tyler@consovoymccarthy.com **Subject:** Head Start - as filed copies ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi all, At Liz's request, attached are copies of the as-filed complaint, PI motion, and PI memo. We have not included here copies of the supporting declarations because there are so many of them. But if you'd like copies, please let us know and we'll be happy to send them along. Thank you, Tyler

Record 1736

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddepountis@nd.gov
Subject	RE: https://www.dutchsprings.com/scuba/
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:49:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:49:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:49:00.000 PM

Body	Thanks. I'll add this to my bucket list. Merry Christmas to you and Sandy. Wayne **From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Tuesday, December 21, 2021 4:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** https://www.dutchsprings.com/scuba/ As discussed. Have a great trip! Dean *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210*

Record 1737

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddepountis@nd.gov
Subject	RE: https://www.dutchsprings.com/scuba/
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:49:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:49:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 4:49:00.000 PM
Body	Thanks. I'll add this to my bucket list. Merry Christmas to you and Sandy. Wayne **From:** DePountis, Dean <ddepountis@nd.gov> **Sent:** Tuesday, December 21, 2021 4:48 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** https://www.dutchsprings.com/scuba/ As discussed. Have a great trip! Dean *Constantinos (Dean) DePountis* *Assistant Attorney General* *State of North Dakota* *600 E. Boulevard Ave., Dept. 125* *Bismarck, ND 58505-0040* *(701) 328-2210*

Record 1738

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lballiet@nd.gov
Subject	Mmmmmm!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 6:40:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 6:41:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 6:41:40.000 PM

Body	Yum. Knoefla soup for lunch AND for dinner! Merry Christmas! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1739

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lballiet@nd.gov
Subject	Mmmmmm!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 6:40:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 6:41:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/21/2021 6:41:40.000 PM
Body	Yum. Knoefla soup for lunch AND for dinner! Merry Christmas! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1740

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lballiet@nd.gov
Subject	Re: Mmmmmm!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 4:59:07.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 4:59:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 4:59:24.000 AM
Body	Go back to bed! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Balliet, Laura A. <lballiet@nd.gov> **Sent:** Tuesday, December 21, 2021 9:48:03 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Mmmmmm! Have a great trip and a Merry Christmas as well! Sent from my iPhone. Apologies for any spelling errors. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 21, 2021 6:41:39 PM **To:** Balliet, Laura A. <lballiet@nd.gov> **Subject:** Mmmmmm! Yum. Knoefla soup for lunch AND for dinner! Merry Christmas! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1741

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lballiet@nd.gov
Subject	Re: Mmmmmm!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 4:59:07.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 4:59:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 4:59:24.000 AM
Body	Go back to bed! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Balliet, Laura A. <lballiet@nd.gov> **Sent:** Tuesday, December 21, 2021 9:48:03 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Re: Mmmmmm! Have a great trip and a Merry Christmas as well! Sent from my iPhone. Apologies for any spelling errors. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 21, 2021 6:41:39 PM **To:** Balliet, Laura A. <lballiet@nd.gov> **Subject:** Mmmmmm! Yum. Knoefla soup for lunch AND for dinner! Merry Christmas! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1742

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:44:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:44:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:44:22.000 AM
Body	Doors about to close. Is everything under control? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1743

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:44:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:44:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 7:44:22.000 AM
Body	Doors about to close. Is everything under control? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1744

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Brent.Webster@oag.texas.gov, lbrocker@nd.gov, tseibel@nd.gov
Subject	Re: Invitation to visit the Border with General Paxton and other AG's/Press in January
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:07:16.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:07:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:07:20.000 PM
Body	BRENT, I would certainly be interested in attending, if scheduling can work out. Wayne Stenehjem ND Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brent Webster <Brent.Webster@oag.texas.gov> **Sent:** Wednesday, December 22, 2021 1:33:27 PM **To:** Brent Webster <Brent.Webster@oag.texas.gov> **Cc:** Evonne Heredia <Evonne.Heredia@oag.texas.gov>; Aaron Reitz <Aaron.Reitz@oag.texas.gov> **Subject:** Invitation to visit the Border with General Paxton and other AG's/Press in January ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorneys General and Senior Staff, Attorney General Ken Paxton would like to invite Attorneys General to an AG Border Summit at the Texas border from around noon on Thursday, January 27 through noon/mid-afternoon on Friday, January 28. **The Summit will feature media hosted by Maria Bartiromo with Fox, presentations by federal, state, and local law enforcement, a tour and survey of the border wall, a Texas Department of Public Safety boat tour of the Rio Grande, and a press conference with speaking opportunities for each of the AGs**. Details, schedule, event locations, etc., are all forthcoming. But before we put all that together, we wanted to get a soft commitment from you and your AGs. For security reasons due to the fact that this email is subject to open records laws, I am not putting the destination city in this email. If you are interested in attending, AGs or senior staff can call me on my personal cell at 512-736-9962 over the holidays and I can provide the city, airport and lodging information directly. This is sure to be a big hit for all of us. Please reply all to this email and let me know by Wednesday, December 29 whether you are interested in attending. In the meantime, reach out for questions on the cell phone listed above. Thanks! Best, Brent Webster **Brent Webster** First Assistant Attorney General of Texas Office of the Attorney General of Texas Executive Assistant Evonne Heredia: Evonne.heredia@oag.texas.gov Work Cell: 512-815-6835
Attachments	image001[14952].png

Record 1745

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Brent.Webster@oag.texas.gov, lbrocker@nd.gov, tseibel@nd.gov
Subject	Re: Invitation to visit the Border with General Paxton and other AG's/Press in January
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:07:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:07:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/22/2021 10:07:20.000 PM

Body	BRENT, I would certainly be interested in attending, if scheduling can work out. Wayne Stenehjem ND Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brent Webster <Brent.Webster@oag.texas.gov> **Sent:** Wednesday, December 22, 2021 1:33:27 PM **To:** Brent Webster <Brent.Webster@oag.texas.gov> **Cc:** Evonne Heredia <Evonne.Heredia@oag.texas.gov>; Aaron Reitz <Aaron.Reitz@oag.texas.gov> **Subject:** Invitation to visit the Border with General Paxton and other AG's/Press in January ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorneys General and Senior Staff, Attorney General Ken Paxton would like to invite Attorneys General to an AG Border Summit at the Texas border from around noon on Thursday, January 27 through noon/mid-afternoon on Friday, January 28. **The Summit will feature media hosted by Maria Bartiromo with Fox, presentations by federal, state, and local law enforcement, a tour and survey of the border wall, a Texas Department of Public Safety boat tour of the Rio Grande, and a press conference with speaking opportunities for each of the AGs.** Details, schedule, event locations, etc., are all forthcoming. But before we put all that together, we wanted to get a soft commitment from you and your AGs. For security reasons due to the fact that this email is subject to open records laws, I am not putting the destination city in this email. If you are interested in attending, AGs or senior staff can call me on my personal cell at 512-736-9962 over the holidays and I can provide the city, airport and lodging information directly. This is sure to be a big hit for all of us. Please reply all to this email and let me know by Wednesday, December 29 whether you are interested in attending. In the meantime, reach out for questions on the cell phone listed above. Thanks! Best, Brent Webster **Brent Webster** First Assistant Attorney General of Texas Office of the Attorney General of Texas Executive Assistant Evonne Heredia: Evonne.heredia@oag.texas.gov Work Cell: 512-815-6835
Attachments	image001[11503].png

Record 1746

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, masagsve@nd.gov
Subject	Re: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 6:34:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 6:37:40.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 6:37:41.000 AM

Body	Having read the brief, I am in complete agreement with Ohio. Why they waited until the last minute to let us join, I don't know. We'll hold off for now. If you haven't heard otherwise by yhe deadline, we will pass, and cheer from the sidelines. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Wednesday, December 22, 2021 12:21:38 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Alm, Elin S. <ealm@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) While, in theory, this is a favorable position for a state, I would be very reluctant to recommend joining at this time and I'm not sure Wayne will want to sign-on for the following reasons: Very short deadline for noon tomorrow; The brief is fairly aggressive; We do not have any idea, unless you or Civil Lit. does, whether under North Dakota law a state can release the claims of its political subdivisions; and In light of ongoing negotiations with political subdivisions, litigating and non-litigating, to get them to agree to sign-on to the national opioid distributors, with acritical deadline by January 2, I don't think now would be the time to take such a public position… Obviously, if Wayne would like to join, it is a decision he could make. Please note that I will be out the rest of today and tomorrow and therefore, if anyone needs further discussion, you will want to do so by contacting me on my cell phone. Thanks. *Parrell* Parrell D. Grossman Assistant Attorney General Director Consumer Protection & Antitrust Division Office of Attorney General 1720 Burlington Drive, Suite C Bismarck, ND 58504-7736* (701)328-5570 (701)328-5568 (Fax) pgrossman@nd.gov www.attorneygeneral.nd.gov

Body	*Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 22, 2021 10:40 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Are you involved in this? **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 10:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan.Blanton@OhioAGO.gov; Charles.Miller@OhioAGO.gov **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	ealm@nd.gov, tseibel@nd.gov

Record 1747

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, masagsve@nd.gov
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Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 6:34:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 6:37:40.000 AM
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Get Outlook for Android
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Sent: Wednesday, December 22, 2021 12:21:38 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Cc: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Alm, Elin S. <ealm@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

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Thanks.

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

Body	*Please note that our mailing address changed as of August 25, 2021. **Confidentiality Notice:** This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 22, 2021 10:40 AM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Are you involved in this? **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 10:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan.Blanton@OhioAGO.gov; Charles.Miller@OhioAGO.gov **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.
CC	ealm@nd.gov, tseibel@nd.gov

Record 1748

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Fwd: OSHA - Evidence
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:52:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:53:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:53:06.000 AM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Thursday, December 23, 2021 8:15:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'>
Subject: OSHA - Evidence

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If any of you submitted evidence in the OSHA case (declarations and the like), would you mind letting me know?

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Wednesday, December 22, 2021 6:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K.

Body	'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Subject:** OSHA ARGUMENT SCHEDULED FOR 1/7 **Importance:** High SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. --- **From:** Murrill, Elizabeth <Murrillt@ag.louisiana.gov> **Date:** Saturday, Dec 18, 2021, 8:50 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** Alloway, Jessie M (LAW) <Jessie.Alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. 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Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rrantrell@agutah.gov' <'rrantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohiago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Fwd: OSHA - Evidence
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:52:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 8:53:06.000 AM
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Body

Sent from my Verizon, Samsung Galaxy smartphone
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From: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Sent: Thursday, December 23, 2021 8:15:25 AM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'>
Subject: OSHA - Evidence

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If any of you submitted evidence in the OSHA case (declarations and the like), would you mind letting me know?

Ben Flowers
Ohio Solicitor General
Office of Ohio Attorney General Dave Yost
Office number: (614) 728-7511
Cell phone: (614) 736-4938
benjamin.flowers@ohioattorneygeneral.gov

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From: Benjamin Flowers
Sent: Wednesday, December 22, 2021 6:43 PM
To: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Cc: Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Campbell, Jim <Jim.Campbell@nebraska.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; Dewhirst, David <David.Dewhirst@mt.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; John Coghlan <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Judd Stone <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; Kaste, James <james.kaste@wyo.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; Michael R. Williams <Michael.R.Williams@wvago.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; Ross Bergethon <RBergethon@law.ga.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; Sarah K.

Body	'Shannon.Grammel@ag.ks.gov'; Smith, Emory <ESmith@scag.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Stephen Petrany <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; Travis J. Royer <travis.royer@ag.tn.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; 'whitney.lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Subject:** OSHA ARGUMENT SCHEDULED FOR 1/7 **Importance:** High SCOTUS just granted argument on our stay petition. I'll reach out to counsel for NFIB about splitting time Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. --- **From:** Murrill, Elizabeth <Murrillt@ag.louisiana.gov> **Date:** Saturday, Dec 18, 2021, 8:50 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Cc:** Alloway, Jessie M (LAW) <Jessie.Alloway@alaska.gov>, 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>, 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>, 'BCook@scag.gov' <'BCook@scag.gov'>, Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>, Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>, Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>, Brandon J. Smith <Brandon.Smith@ag.tn.gov>, Brasington, Charles E (LAW) <charles.brasington@alaska.gov>, 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>, Bronni, Nicholas <nicholas.bronni@arkansasag.gov>, Campbell, Jim <Jim.Campbell@nebraska.gov>, Chanay, Jeff <Jeff.Chanay@ag.ks.gov>, Christopher Baum <Christopher.Baum@myfloridalegal.com>, Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>, Daniel Bell <Daniel.Bell@myfloridalegal.com>, 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>, 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>, Dewhirst, David <David.Dewhirst@mt.gov>, Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>, Drew Waldbeser <DWaldbeser@law.ga.gov>, Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>, Ensign, Drew <Drew.Ensign@azag.gov>, Grant Dorfman <Grant.Dorfman@oag.texas.gov>, Henry Whitaker <Henry.Whitaker@myfloridalegal.com>, Holmes, Melinda R <Melinda.Holmes@atg.in.gov>, Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>, James Percival <James.Percival@myfloridalegal.com>, Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>, John Coghlan <John.Coghlan@ago.ms.gov>, 'John.sauer@ago.mo.gov' <'John.sauer@ago.mo.gov'>, Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>, Joshua Richardson <Joshua.Richardson@OhioAGO.gov>, Judd Stone <Judd.stone@oag.texas.gov>, 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>, Kaste, James <James.kaste@wyo.gov>, Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>, Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>, LaCour, Edmund <Edmund.LaCour@alabamaag.gov>, Langholz, Sam <Sam.Langholz@ag.iowa.gov>, Laue, Brant <Brant.Laue@ag.ks.gov>, 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>, Maddox, Victor (KYOAG) <victor.maddox@ky.gov>, Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>, Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>, 'masagsve@nd.gov' <'masagsve@nd.gov'>, May Mailman <May.Mailman@OhioAGO.gov>, 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>, Michael R. Williams <Michael.R.Williams@wvago.gov>, Mills, Cori M (LAW) <cori.mills@alaska.gov>, Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>, 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>, 'rrantrell@agutah.gov' <'rrantrell@agutah.gov'>, Ross Bergethon <RBergethon@law.ga.gov>, Roysden, Beau <Beau.Roysden@azag.gov>, 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>, Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>, 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>, Seibel, Troy <tseibel@nd.gov>, 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>, Smith, Emory <ESmith@scag.gov>, St. John, Joseph <StJohnJ@ag.louisiana.gov>, Stephen Petrany <SPetrany@law.ga.gov>, 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>, Sylvester, Jeremy J (KYOAG) <Jeremy.sylvester@ky.gov>, Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>, 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>, 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>, 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>, Travis J. Royer <travis.royer@ag.tn.gov>, Wagner, Vincent <vincent.wagner@arkansasag.gov>, White, Kimi <Kimi.White@ag.idaho.gov>, 'whitney.lipscomb@ago.ms.gov' <'whitney.lipscomb@ago.ms.gov'>, 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>, 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** Re: Draft SCOTUS Stay Thanks so much for being ready to roll!!! Liz Sent from my iPhone On Dec 17, 2021, at 9:19 PM, Benjamin Flowers <Benjamin.Flowers@ohioago.gov> wrote: CAUTION: This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe. All, Here is a draft brief. We will do all we can to finalize and file shortly after midnight. Having reviewed the Sixth Circuit opinion, I think it is a gift. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov<mailto:benjamin.flowers@ohioattorneygeneral.gov> Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. 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Record 1750

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:25:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:25:44.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:25:45.000 PM

Body

Not so many...

Sent from my Verizon, Samsung Galaxy smartphone
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From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, December 23, 2021 12:05:46 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

So far we have Louisiana, Montana, Alaska, Arkansas.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 21, 2021 1:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Keep me posted on whether there's a critical mass of sign ons for this, please.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, December 21, 2021 8:35 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Attached is a new amicus request. Deadline to join is Dec. 27. Here is the explanation from below:

We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so.

Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27.

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Monday, December 20, 2021 7:11 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone < judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker < Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) < ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant < Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim < jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell < Sarah.Campbell@ag.tn.gov>; Andrea.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas < nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam < Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R < Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here.

Body	For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 1751

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:25:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:25:44.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:25:45.000 PM

Body

Not so many...

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, December 23, 2021 12:05:46 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

So far we have Louisiana, Montana, Alaska, Arkansas.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 21, 2021 1:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Keep me posted on whether there's a critical mass of sign ons for this, please.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, December 21, 2021 8:35 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Attached is a new amicus request. Deadline to join is Dec. 27. Here is the explanation from below:

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To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone < judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker < Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) < ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell < Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa < Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon < RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant < Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim < jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell < Sarah.Campbell@ag.tn.gov>; Andrea.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wyago.gov; thomas.t.lampman@wyago.gov; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas < nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum < Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam < Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand < Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton < Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi < Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) < jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wyago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R < Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

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Record 1752

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:40:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:40:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:40:39.000 PM

Body

Thank you! You too!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, December 23, 2021 1:31:28 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

No. I am leaving town today, back on Dec. 31. Have a Merry Christmas!

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 23, 2021 12:26 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Not so many...

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Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

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Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

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From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Monday, December 20, 2021 7:11 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chaney, Jeff <Jeff.Chaney@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <James.Kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Body	Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here. For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Doerfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 1753

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:40:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:40:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/23/2021 12:40:39.000 PM

Body

Thank you! You too!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, December 23, 2021 1:31:28 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

No. I am leaving town today, back on Dec. 31. Have a Merry Christmas!

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 23, 2021 12:26 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Not so many...

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, December 23, 2021 12:05:46 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

So far we have Louisiana, Montana, Alaska, Arkansas.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Tuesday, December 21, 2021 1:32 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: RE: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Keep me posted on whether there's a critical mass of sign ons for this, please.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, December 21, 2021 8:35 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Thiel, Jolene J. <jthiel@nd.gov>
Subject: FW: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Attached is a new amicus request. Deadline to join is Dec. 27. Here is the explanation from below:

We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so.

Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27.

From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Monday, December 20, 2021 7:11 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chaney, Jeff <Jeff.Chaney@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <SJohn1@ag.louisiana.gov>; Whitney Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James <James.kaste@wyo.gov>; ryan.schelhaas@wyo.gov; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
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Campbell; Andree.Blumstein@ag.tn.gov; Grant Doerfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. 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Reg. 44,424 (Aug. 6, 2021), https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission—on a 3-2 party-line vote—approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.

Record 1754

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cmoore@republicanags.com
Subject	Prospective Flights for Energy Summit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:44:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:44:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:44:00.000 AM

Body	Caroline, This looks like the best flight to me. [I hate that very early flight!!] Merry Christmas to you as well. I am trying to see if I can attend the winter meeting, but it means changing a meeting of our state Industrial Commission with our governor and ag. Commissioner, so it's looking doubtful. Wayne
Attachments	16041.docx

Record 1755

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cmoore@republicanags.com
Subject	Prospective Flights for Energy Summit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:44:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:44:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:44:00.000 AM
Body	Caroline, This looks like the best flight to me. [I hate that very early flight!!] Merry Christmas to you as well. I am trying to see if I can attend the winter meeting, but it means changing a meeting of our state Industrial Commission with our governor and ag. Commissioner, so it's looking doubtful. Wayne
Attachments	12691.docx

Record 1756

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: North Dakota v. USA - Agenda for Conferral Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:48:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:48:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:48:00.000 AM

Body

§44-04-19.1

Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Thursday, December 23, 2021 4:30 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: FW: North Dakota v. USA - Agenda for Conferral Call

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Thursday, December 23, 2021 3:20 PM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: North Dakota v. USA - Agenda for Conferral Call

Jane -

§44-04-19.1

Regards

Paul M. Seby
Tel 303.572.6584

From: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>
Sent: Tuesday, December 21, 2021 5:40 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: RE: North Dakota v. USA - Agenda for Conferral Call

EXTERNAL TO GT
Hi Paul and Paul,

§44-04-19.1

Body	§44-04-19.1

Body	§44-04-19.1 Best, Jane **From:** Bobet, Jane (USACO) **Sent:** Monday, December 20, 2021 8:57 AM **To:** 'sebyp@gtlaw.com' <sebyp@gtlaw.com> **Cc:** Kellogg, Ian (USACO) <ikellogg@usa.doj.gov>; Stigall, Corin (USACO) [Contractor] <CStigall@usa.doj.gov> **Subject:** North Dakota v. USA - Agenda for Conferral Call Paul, §44-04-19.1 Best, Jane **Jane E. Bobet** Assistant United States Attorney United States Attorney's Office | District of Colorado 1801 California Street, Suite 1600 Denver, CO 80202 Phone: (303) 454-0185 Email: jane.bobet@usdoj.gov If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1757

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, tseibel@nd.gov
Subject	RE: North Dakota v. USA - Agenda for Conferral Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:48:26.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:48:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:48:00.000 AM

Body

§44-04-19.1

Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Thursday, December 23, 2021 4:30 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: FW: North Dakota v. USA - Agenda for Conferral Call

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>
Sent: Thursday, December 23, 2021 3:20 PM
To: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: North Dakota v. USA - Agenda for Conferral Call

Jane -

§44-04-19.1

Regards

Paul M. Seby
Tel 303.572.6584

From: Bobet, Jane (USACO) <Jane.Bobet@usdoj.gov>
Sent: Tuesday, December 21, 2021 5:40 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Kerlin, Paul (Shld-HOU-LT) <kerlinp@gtlaw.com>
Cc: Kellogg, Ian (USACO) <Ian.Kellogg@usdoj.gov>; Stigall, Corin (USACO) [Contractor] <Corin.Stigall@usdoj.gov>
Subject: RE: North Dakota v. USA - Agenda for Conferral Call

EXTERNAL TO GT
Hi Paul and Paul,

§44-04-19.1

Body	§44-04-19.1

Body	§44-04-19.1 Best, Jane **From:** Bobet, Jane (USACO) **Sent:** Monday, December 20, 2021 8:57 AM **To:** 'sebyp@gtlaw.com' <sebyp@gtlaw.com> **Cc:** Kellogg, Ian (USACO) <ikellogg@usa.doj.gov>; Stigall, Corin (USACO) [Contractor] <CStigall@usa.doj.gov> **Subject:** North Dakota v. USA - Agenda for Conferral Call Paul, §44-04-19.1 Best, Jane **Jane E. Bobet** Assistant United States Attorney United States Attorney's Office | District of Colorado 1801 California Street, Suite 1600 Denver, CO 80202 Phone: (303) 454-0185 Email: jane.bobet@usdoj.gov If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1758

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cmoore@republicanags.com
Subject	Re: Prospective Flights for Energy Summit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 1:40:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 1:40:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 1:40:27.000 PM

Body	The 12:24 flight will work better! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Caroline Moore <cmoore@republicanags.com> **Sent:** Friday, December 24, 2021 12:16:52 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Prospective Flights for Energy Summit ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi General, I don't blame you at all! Which flight do you prefer on the 9th? The first option departs 12:24PM and arrives at 6:31PM or the one that departs at 5:36PM and arrives at 10:50PM. I'm sorry to hear we likely won't see you at the Winter meeting. I will connect with the travel agent and get these flights booked for you next week. Have a wonderful Christmas! Best, Caroline **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 24, 2021 6:45 AM **To:** Caroline Moore <cmoore@republicanags.com> **Subject:** Prospective Flights for Energy Summit [EXTERNAL] Caroline, This looks like the best flight to me. [I hate that very early flight!!] Merry Christmas to you as well. I am trying to see if I can attend the winter meeting, but it means changing a meeting of our state Industrial Commission with our governor and ag. Commissioner, so it's looking doubtful. Wayne

Record 1759

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cmoore@republicanags.com
Subject	Re: Prospective Flights for Energy Summit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 1:40:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 1:40:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 1:40:27.000 PM

Body	The 12:24 flight will work better! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Caroline Moore <cmoore@republicanags.com> **Sent:** Friday, December 24, 2021 12:16:52 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Prospective Flights for Energy Summit ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi General, I don't blame you at all! Which flight do you prefer on the 9th? The first option departs 12:24PM and arrives at 6:31PM or the one that departs at 5:36PM and arrives at 10:50PM. I'm sorry to hear we likely won't see you at the Winter meeting. I will connect with the travel agent and get these flights booked for you next week. Have a wonderful Christmas! Best, Caroline **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 24, 2021 6:45 AM **To:** Caroline Moore <cmoore@republicanags.com> **Subject:** Prospective Flights for Energy Summit [EXTERNAL] Caroline, This looks like the best flight to me. [I hate that very early flight!!] Merry Christmas to you as well. I am trying to see if I can attend the winter meeting, but it means changing a meeting of our state Industrial Commission with our governor and ag. Commissioner, so it's looking doubtful. Wayne

Record 1760

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:26:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:26:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:26:00.000 PM

Body	Let's get him into the office for his photo and we'll make a big deal out of it.!! Wayne **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, December 20, 2021 9:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Apparently so! Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, December 20, 2021 8:59 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: To all staff Is there really a photo of me and Pat that I haven't signed? Wayne **From:** PH420 <ph420@nd.gov> **Sent:** Monday, December 20, 2021 8:57 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Congratulations! I know I'm at the age where I'm looking forward to retirement. I can only hope that the next AG is as good as you have been to us. It's a bittersweet time for you and us at BCI. You were right, when you said you were the only AG I knew since I was hired. I'd like to ask that before you go, you find time to autograph the picture of us when I was hired on. It's something that I will display proudly. North Dakota Bureau of Criminal Investigations Special Agent Pat Helfrich PO Box 1054 Bismarck, ND 58502-1054 phone: 701-328-5500 fax: 701-328-5510 email: ph420@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*
Attachments	image001[14963].jpg

Record 1761

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: To all staff
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:26:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:26:08.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/24/2021 5:26:00.000 PM

Body	Let's get him into the office for his photo and we'll make a big deal out of it.!! Wayne **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, December 20, 2021 9:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Apparently so! Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, December 20, 2021 8:59 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: To all staff Is there really a photo of me and Pat that I haven't signed? Wayne **From:** PH420 <ph420@nd.gov> **Sent:** Monday, December 20, 2021 8:57 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: To all staff Wayne, Congratulations! I know I'm at the age where I'm looking forward to retirement. I can only hope that the next AG is as good as you have been to us. It's a bittersweet time for you and us at BCI. You were right, when you said you were the only AG I knew since I was hired. I'd like to ask that before you go, you find time to autograph the picture of us when I was hired on. It's something that I will display proudly. North Dakota Bureau of Criminal Investigations Special Agent Pat Helfrich PO Box 1054 Bismarck, ND 58502-1054 phone: 701-328-5500 fax: 701-328-5510 email: ph420@nd.gov **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 17, 2021 10:20 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** To all staff To my colleagues in the Office of Attorney General: For the last 22 years it has been my honor to work with the dedicated people in the office of Attorney General on behalf of the citizens of North Dakota. I have had to make many difficult decisions in that time, but never one as difficult as this one. After visiting with Beth and others, I have decided that this term will be my last. The decision has been a hard one because I have truly enjoyed my time in this office, and that is in large part because I have been able to work with some of the most dedicated and loyal employees anyone could ask for. You are trusted colleagues, and for many of you, I regard you as dear friends. The citizens of North Dakota have seen fit to elect me to this important office six times and it has been an honor beyond measure. The end of my current term will mark 22 years as North Dakota's 29th Attorney General. For all but a couple of you, I'm the only boss in the office you've known. My current term runs through the end of 2022, and we still have lots of time to continue together the important work we have ahead of us. When you walk into the front of our office in the Capitol you see that composite photograph of all the people who have served North Dakota as Attorney General over the years. After my photo there are seven blank spots. Those spots are reserved for the people who will come after me. I know that whoever is fortunate enough to have his or her photo included after mine will inherit a talented, dedicated group of employees who come to work every day with the goal of keeping North Dakota the very best place to work and live. I wish you all the best of the Holiday Season, and look forward to continuing to work with you through 2022! Warmly, *Wayne*
Attachments	image001[11523].jpg

Record 1762

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Fwd: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:53:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:53:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:53:20.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, December 26, 2021 5:47:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael [GOV] <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us <David.mcvey@state.sd.us>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

Sincerely,
Drew

From: Ensign, Drew
Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [GOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is a slightly updated version of the Fifth Circuit amicus brief for the Nasdaq/SEC Quota Rule challenge. So far Alaska, Arkansas, and Montana have joined.

Basically, the brief makes two points that are probably pretty uncontroversial for this group: (1) explicit race- and sex-based quotas are bad and violate the Constitution and (2) SEC cannot use a highly generalized and circumscribed grant of authority to intrude upon an area traditionally regulated by state law and in service of an agenda of restructuring society in the agency's own social-justice-minded image (while violating the Constitution in the process).

We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Please let us know if you have any questions or would like to discuss any of this.

Sincerely,
Drew

From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM

Body	**To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Hi all, Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here. For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Sincerely, Drew **From:** Ensign, Drew **Sent:** Tuesday, December 14, 2021 7:42:49 AM **To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. 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After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021). https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission – on a 3-2 party-line vote – approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.
Attachments	16040.doc

Record 1763

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Fwd: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:53:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:53:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 4:53:20.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Ensign, Drew <Drew.Ensign@azag.gov>
Sent: Sunday, December 26, 2021 5:47:50 PM
To: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; Dewhirst, David <David.Dewhirst@mt.gov>; Chanay, Jeff <Jeff.Chanay@ag.ks.gov>; Murrill, Elizabeth <MurrillE@ag.louisiana.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Brasington, Charles E (LAW) <charles.brasington@alaska.gov>; Judd Stone <judd.stone@oag.texas.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Henry Whitaker <Henry.Whitaker@myfloridalegal.com>; Bowdre, Barrett <Barrett.Bowdre@alabamaag.gov>; Mills, Cori M (LAW) <cori.mills@alaska.gov>; Alloway, Jessie M (LAW) <jessie.alloway@alaska.gov>; Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>; Roysden, Beau <Beau.Roysden@azag.gov>; Daniel Bell <Daniel.Bell@myfloridalegal.com>; James Percival <James.Percival@myfloridalegal.com>; Jeffrey DeSousa <Jeffrey.DeSousa@myfloridalegal.com>; Drew Waldbeser <DWaldbeser@law.ga.gov>; Ross Bergethon <RBergethon@law.ga.gov>; brian.kane@ag.idaho.gov <brian.kane@ag.idaho.gov>; tom.fisher@atg.in.gov <tom.fisher@atg.in.gov>; Laue, Brant <Brant.Laue@ag.ks.gov>; Meredith, Chad (KYOAG) <Chad.Meredith@ky.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; St. John, Joseph <StJohnJ@ag.louisiana.gov>; Whitney.Lipscomb@ago.ms.gov <Whitney.Lipscomb@ago.ms.gov>; Scott.Stewart@ago.ms.gov <Scott.Stewart@ago.ms.gov>; Justin.Matheny@ago.ms.gov <Justin.Matheny@ago.ms.gov>; john.sauer@ago.mo.gov <john.sauer@ago.mo.gov>; Campbell, Jim <jim.campbell@nebraska.gov>; Daniel.E.Will@doj.nh.gov <Daniel.E.Will@doj.nh.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; May Mailman <May.Mailman@OhioAGO.gov>; Mansinghani, Mithun <mithun.mansinghani@oag.ok.gov>; zach.west@oag.ok.gov <zach.west@oag.ok.gov>; Smith, Emory <ESmith@scag.gov>; HKirkland@scag.gov <HKirkland@scag.gov>; BCook@scag.gov <BCook@scag.gov>; ThomasHydrick@scag.gov <ThomasHydrick@scag.gov>; steven.blair@state.sd.us <steven.blair@state.sd.us>; Paul.Swedlund@state.sd.us <Paul.Swedlund@state.sd.us>; Sarah K. Campbell <Sarah.Campbell@ag.tn.gov>; Andree.Blumstein@ag.tn.gov <Andree.Blumstein@ag.tn.gov>; Grant Dorfman <Grant.Dorfman@oag.texas.gov>; Benjamin Wilson <Benjamin.Wilson@oag.texas.gov>; melissaholyoak@agutah.gov <melissaholyoak@agutah.gov>; rcantrell@agutah.gov <rcantrell@agutah.gov>; lindsay.s.see@wvago.gov <lindsay.s.see@wvago.gov>; thomas.t.lampman@wvago.gov <thomas.t.lampman@wvago.gov>; Kaste, James <james.kaste@wyo.gov>; ryan.schelhaas@wyo.gov <ryan.schelhaas@wyo.gov>; LaCour, Edmund <Edmund.LaCour@alabamaag.gov>; Bronni, Nicholas <nicholas.bronni@arkansasag.gov>; Wagner, Vincent <vincent.wagner@arkansasag.gov>; Christopher Baum <Christopher.Baum@myfloridalegal.com>; Stephen Petrany <SPetrany@law.ga.gov>; Langholz, Sam <Sam.Langholz@ag.iowa.gov>; Boal, Michael (GOV) <Michael.Boal@governor.iowa.gov>; David.mcvey@state.sd.us <David.mcvey@state.sd.us>; Brandon J. Smith <Brandon.Smith@ag.tn.gov>; Clark Hildabrand <Clark.Hildabrand@ag.tn.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; White, Kimi <Kimi.White@ag.idaho.gov>; Travis J. Royer <travis.royer@ag.tn.gov>; Sylvester, Jeremy J (KYOAG) <jeremy.sylvester@ky.gov>; Magera, Alexander Y (KYOAG) <alexander.magera@ky.gov>; Keiser, Lindsey R (KYOAG) <lindsey.keiser@ky.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>; Michael R. Williams <Michael.R.Williams@wvago.gov>; Anthony.J.Galdieri@doj.nh.gov <Anthony.J.Galdieri@doj.nh.gov>; John Coghlan <John.Coghlan@ago.ms.gov>; Holmes, Melinda R <Melinda.Holmes@atg.in.gov>
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi all,

Here is a very slightly updated version of the amicus brief supporting the challenges to SEC's/Nasdaq's explicit race- and sex-based quotas, and last call for sign-ons.

Thanks to everyone that has joined so far. We are currently at 8 states: Arizona, Alabama, Alaska, Arkansas, Louisiana, Mississippi, Montana, and South Carolina.

We can accept sign-ons until **tomorrow, Monday, December 27 at 5pm EST.** Please also let us know if you have any questions, concerns, or edits.

Sincerely,
Drew

From: Ensign, Drew
Sent: Wednesday, December 22, 2021 10:14 PM
To: Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael (GOV); David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R
Subject: Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas

Hi all,

Attached is a slightly updated version of the Fifth Circuit amicus brief for the Nasdaq/SEC Quota Rule challenge. So far Alaska, Arkansas, and Montana have joined.

Basically, the brief makes two points that are probably pretty uncontroversial for this group: (1) explicit race- and sex-based quotas are bad and violate the Constitution and (2) SEC cannot use a highly generalized and circumscribed grant of authority to intrude upon an area traditionally regulated by state law and in service of an agenda of restructuring society in the agency's own social-justice-minded image (while violating the Constitution in the process).

We will be able to accept sign-ons until **December 27 at 5pm Eastern.** Please let us know if you have any questions or would like to discuss any of this.

Sincerely,
Drew

From: Ensign, Drew
Sent: Monday, December 20, 2021 6:11:07 PM

Body	**To:** Benjamin Flowers; Dewhirst, David; Chanay, Jeff; Murrill, Elizabeth; Maddox, Victor (KYOAG); Brasington, Charles E (LAW); Judd Stone; Joshua Richardson; Henry Whitaker; Bowdre, Barrett; Mills, Cori M (LAW); Alloway, Jessie M (LAW); Dizon, Ninia R (LAW); Roysden, Beau; Daniel Bell; James Percival; Jeffrey DeSousa; Drew Waldbeser; Ross Bergethon; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Laue, Brant; Meredith, Chad (KYOAG); Kuhn, Matt F (KYOAG); St. John, Joseph; Whitney.Lipscomb@ago.ms.gov; Scott.Stewart@ago.ms.gov; Justin.Matheny@ago.ms.gov; john.sauer@ago.mo.gov; Campbell, Jim; Daniel.E.Will@doj.nh.gov; Anthony.J.Galdieri@doj.nh.gov; wstenehjem@nd.gov; masagsve@nd.gov; Seibel, Troy; May Mailman; Mansinghani, Mithun; zach.west@oag.ok.gov; Smith, Emory; HKirkland@scag.gov; BCook@scag.gov; ThomasHydrick@scag.gov; steven.blair@state.sd.us; Paul.Swedlund@state.sd.us; Sarah K. Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Re: Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Hi all, Attached is our draft amicus brief in support of the challenges to the SEC/Nasdaq Quota Rule. Please let us know any questions or suggestions that you have. Given the outrageousness of SEC's adoption of explicit race- and sex-based quotas for Nasdaq-listed companies, we are hopeful that we can have a broad coalition here. For greater detail on the challenged rule, we are attaching the opening brief of one of the challengers as well. 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Campbell; Andree.Blumstein@ag.tn.gov; Grant Dorfman; Benjamin Wilson; melissaholyoak@agutah.gov; rcantrell@agutah.gov; lindsay.s.see@wvago.gov; thomas.t.lampman@wvago.gov; Kaste, James; ryan.schelhaas@wyo.gov; LaCour, Edmund; Bronni, Nicholas; Wagner, Vincent; Christopher Baum; Stephen Petrany; Langholz, Sam; Boal, Michael [IGOV]; David.mcvey@state.sd.us; Brandon J. Smith; Clark Hildabrand; Dunn, Barry (KYOAG); Jonathan Blanton; Iaccarino, Carmine G (KYOAG); White, Kimi; Travis J. Royer; Sylvester, Jeremy J (KYOAG); Magera, Alexander Y (KYOAG); Keiser, Lindsey R (KYOAG); Nolan, Brett R (KYOAG); Thacker, Christopher L (KYOAG); Michael R. Williams; Anthony.J.Galdieri@doj.nh.gov; John Coghlan; Holmes, Melinda R **Subject:** Amicus Brief Supporting Challenge to NASDAQ Race- and Sex-Based Quotas Dear Friends, We wanted to let you know about a multi-state amicus brief we plan on circulating late this week or early next week. The amicus brief would support challenges to SEC approval of a NASDAQ proposed "diversity" requirement. That requirement (discussed in greater detail below) adopts one of the crudest and most odious tool available to the government: race- and sex-based quotas. All companies that fail to satisfy those quotas would be compelled to make statements explaining (i.e., apologizing for) their failure to do so. Challenges to SEC's approval have been consolidated in the Fifth Circuit. One opening brief challenging the rule has already been filed (attached). Another will be filed on December 20, so our amicus brief will be due December 27. Because of the holiday season, we wanted to give everyone a heads up that this brief will be coming. We will be able to accept sign-ons until **December 27 at 2pm Eastern.** Please feel free to reach out to us with any questions or suggestions. Sincerely, Drew **Nasdaq Quota Requirement Overview:** On December 1, 2020, the Nasdaq proposed to adopt a series of rules related to corporate board "diversity." After taking comments, Nasdaq submitted an amended proposal to the SEC in February which had three main components, which apply to every Nasdaq-listed firm (minus some exceptions for small and foreign firms): (1) to have, or explain why it does not have, at least one director who "self-identifies her gender as a woman;" (2) to have, or explain why it does not have, at least one director who self-identifies as "Black or African American, Hispanic or Latinx, Asian, Native American or Alaska Native, Native Hawaiian or Pacific Islander, or Two or More Races or Ethnicities" or as "LGBTQ+," which is defined as "lesbian, gay, bisexual, transgender or as a member of the queer community;" and (3) to provide statistical information on directors' sex, race, and sexual orientation status. *See* Securities and Exchange Commission, Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, 86 Fed. Reg. 44,424 (Aug. 6, 2021). https://www.federalregister.gov/documents/2021/08/12/2021-17179/self-regulatory-organizations-the-nasdaq-stock-market-llc-order-approving-proposed-rule-changes-as. On August 6, 2021, the Securities and Exchange Commission – on a 3-2 party-line vote – approved Nasdaq's proposal without modification, finalizing these requirements as Nasdaq rules. In response to objections that this proposal violated the Constitution, the SEC adopted Nasdaq's argument that the rule was not subject to the Constitution because Nasdaq was not a state actor. https://www.federalregister.gov/d/2021-17179/p-301. On August 10, 2021, the Alliance for Fair Board Recruitment (AFBR) filed a Petition for Review of the SEC's action in the Fifth Circuit. Additional petitioner National Center for Public Policy Research (NCPPR) filed in the Third Circuit, and was transferred to the Fifth Circuit on October 28, 2021.
Attachments	12690.doc

Record 1764

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Non-Urgent Request Related to Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:13:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:14:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:14:15.000 AM

Body	I haven't any problem with this. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 12:20:32 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Non-Urgent Request Related to Wehbi Thoughts on this? Get Outlook for iOS **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Friday, December 24, 2021 10:20:01 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov> **Cc:** Rubin, Howard R. <howard.rubin@katten.com>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Subject:** Non-Urgent Request Related to Wehbi ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt and Jim, Let me preface this e-mail by saying that a response is not urgent. Mike Schwab of the North Dakota Pharmacists Association reached out to me about speaking at a convention that they are planning to hold in March. He'd like me to discuss *Rutledge* and *Wehbi*. Mike also mentioned that Wayne might participate. Because of my role on behalf of the State, I would not agree to participate without your approval and Mark's. And because of the pendency of the litigation, I would only speak factually about the case. I would not make any predictions about how *Wehbi* affects other statutes. Indeed, my approach, and Howard's, has always been to assume that our adversary is sitting in the room. As a result, we have been very careful about what we've said about *Rutledge* in the past. Mark and I spoke the other day, and he is comfortable with me giving a presentation along the lines I've just proposed. Howard and I wanted to make sure you agree before I accept any invitation from Mike. Howard and I are also happy to share in advance any PowerPoint presentation we prepare, so that you can vet it beforehand. Again, this is not urgent. When you have a few minutes, please let us know if you are comfortable with my participation at the conference. I will then get back to Mike. Finally, on behalf of Howard and myself, I wanted to express our appreciation for the opportunity to work with you and serve the people of North Dakota. This litigation has had its ups and downs, but we always have had steady support from your office and Mark's. We're grateful for the partnership we have been able to forge. Best wishes and Merry Christmas, Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1.202.625.3616 robert.smith1@katten.com | katten.com ========== CONFIDENTIALITY NOTICE: This electronic mail message and any attached files contain information intended for use of the individual or entity to whom it is addressed and may contain information t proprietary, privileged, confidential and/or exempt from disclosure under applicable are not the intended recipient, you are hereby notified that any viewing, copying, di distribution of this information may be subject to legal restriction or sanction. Pl the sender, by electronic mail or telephone, of any unintended recipients and delete message without making any copies. ========== NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnershi elected to be governed by the Illinois Uniform Partnership Act (1997). ==========

Record 1765

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: Non-Urgent Request Related to Wehbi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:13:49.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:14:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 7:14:15.000 AM

Body	I haven't any problem with this. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 12:20:32 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: Non-Urgent Request Related to Wehbi Thoughts on this? Get Outlook for iOS **From:** Smith, Robert T. <robert.smith1@katten.com> **Sent:** Friday, December 24, 2021 10:20:01 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Nicolai, James E. <jnicolai@nd.gov> **Cc:** Rubin, Howard R. <howard.rubin@katten.com>; Hardy, Mark J. <mhardy@ndboard.pharmacy> **Subject:** Non-Urgent Request Related to Wehbi ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt and Jim, Let me preface this e-mail by saying that a response is not urgent. Mike Schwab of the North Dakota Pharmacists Association reached out to me about speaking at a convention that they are planning to hold in March. He'd like me to discuss *Rutledge* and *Wehbi*. Mike also mentioned that Wayne might participate. Because of my role on behalf of the State, I would not agree to participate without your approval and Mark's. And because of the pendency of the litigation, I would only speak factually about the case. I would not make any predictions about how *Wehbi* affects other statutes. Indeed, my approach, and Howard's, has always been to assume that our adversary is sitting in the room. As a result, we have been very careful about what we've said about *Rutledge* in the past. Mark and I spoke the other day, and he is comfortable with me giving a presentation along the lines I've just proposed. Howard and I wanted to make sure you agree before I accept any invitation from Mike. Howard and I are also happy to share in advance any PowerPoint presentation we prepare, so that you can vet it beforehand. Again, this is not urgent. When you have a few minutes, please let us know if you are comfortable with my participation at the conference. I will then get back to Mike. Finally, on behalf of Howard and myself, I wanted to express our appreciation for the opportunity to work with you and serve the people of North Dakota. This litigation has had its ups and downs, but we always have had steady support from your office and Mark's. We're grateful for the partnership we have been able to forge. Best wishes and Merry Christmas, Rob **Robert T. Smith** Partner **Katten** Katten Muchin Rosenman LLP 2900 K Street NW, North Tower - Suite 200 | Washington, DC 20007-5118 direct +1.202.625.3616 robert.smith1@katten.com | katten.com ========== CONFIDENTIALITY NOTICE: This electronic mail message and any attached files contain information intended for use of the individual or entity to whom it is addressed and may contain information t proprietary, privileged, confidential and/or exempt from disclosure under applicable are not the intended recipient, you are hereby notified that any viewing, copying, di distribution of this information may be subject to legal restriction or sanction. Pl the sender, by electronic mail or telephone, of any unintended recipients and delete message without making any copies. ========== NOTIFICATION: Katten Muchin Rosenman LLP is an Illinois limited liability partnershi elected to be governed by the Illinois Uniform Partnership Act (1997). ==========

Record 1766

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Privileged
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:58:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:58:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:58:39.000 AM

Body	Ok, sounds good. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 11:50:24 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Privileged I think we better sit down and discuss this proposed legislation when we return. James and I have tried, and are still trying, to make it workable… **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, December 17, 2021 12:51 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: TLCA revisions with comment See attached. **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, December 15, 2021 1:15 PM **To:** Wald, James J. <jawald@nd.gov> **Subject:** TLCA revisions with comment Additional comments/edits…

Record 1767

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Privileged
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:58:29.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:58:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 11:58:39.000 AM
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Record 1768

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, pgrossman@nd.gov
Subject	Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:03:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:04:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:04:32.000 PM
Body	Any change of opinion on this Parrell? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 11:41:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: 614-752-8237 Cincinnati: 513-852-1565 Office Cell: 513-607-0406 Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
Attachments	image003[14973].png

Record 1769

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, pgrossman@nd.gov
Subject	Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:03:48.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:04:32.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 12:04:32.000 PM
Body	Any change of opinion on this Parrell? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 11:41:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: 614-752-8237 Cincinnati: 513-852-1565 Office Cell: 513-607-0406 Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
Attachments	image003[11534].png

Record 1770

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: NDMill November2021 Financials / Income statement Summary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 3:01:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 3:01:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 3:01:00.000 PM

Body	Thanks, Karlene. Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Monday, December 27, 2021 12:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: NDMill November2021 Financials / Income statement Summary For your information – No action is required. Karlene **From:** Becky Boman <bboman@NDMILL.com> **Sent:** Thursday, December 23, 2021 1:42 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** NDMill November2021 Financials / Income statement Summary ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good Afternoon, I have attached the NDM November 2021 Financials and the Income Statement Summary If you have any questions or need anything else, please let me know. Thank you and Merry Christmas to you and your family. Becky Boman Administrative Assistant North Dakota State Mill 701-795-7297 bboman@ndmill.com
Attachments	image001[14977].jpg

Record 1771

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: NDMill November2021 Financials / Income statement Summary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 3:01:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 3:01:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/27/2021 3:01:00.000 PM

Body	Thanks, Karlene. Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Monday, December 27, 2021 12:45 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: NDMill November2021 Financials / Income statement Summary For your information – No action is required. Karlene **From:** Becky Boman <bboman@NDMILL.com> **Sent:** Thursday, December 23, 2021 1:42 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** NDMill November2021 Financials / Income statement Summary ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good Afternoon, I have attached the NDM November 2021 Financials and the Income Statement Summary If you have any questions or need anything else, please let me know. Thank you and Merry Christmas to you and your family. Becky Boman Administrative Assistant North Dakota State Mill 701-795-7297 bboman@ndmill.com
Attachments	image001[11538].jpg

Record 1772

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	Re: Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:39:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:00.000 AM
Body	Thanks. Connection is slow, so keep me posted. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 9:33:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Isaak sentencing - live KX News Live Stream | KX NEWS (kxnet.com) *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1773

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	Re: Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:39:58.000 AM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:00.000 AM
Body	Thanks. Connection is slow, so keep me posted. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 9:33:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Isaak sentencing - live KX News Live Stream | KX NEWS (kxnet.com) *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1774

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, masagsve@nd.gov
Subject	Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:02.000 AM

Body	I am fine with it. Please let them know Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Tuesday, December 28, 2021 9:31:41 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Wayne, I have no objection to joining this Amicus. I just want to be sure you are comfortable with it. In that instance, I am completely comfortable with recommending North Dakota join. Just let us know. Thanks. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, December 27, 2021 12:04:32 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Any change of opinion on this Parrell? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 11:41:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: **614-752-8237** Cincinnati: **513-852-1565** Office Cell: **513-607-0406** Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
Attachments	image003[15582].png

Record 1775

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, masagsve@nd.gov
Subject	Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 9:40:02.000 AM

Body	I am fine with it. Please let them know Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Tuesday, December 28, 2021 9:31:41 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Wayne, I have no objection to joining this Amicus. I just want to be sure you are comfortable with it. In that instance, I am completely comfortable with recommending North Dakota join. Just let us know. Thanks. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, December 27, 2021 12:04:32 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** Re: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) Any change of opinion on this Parrell? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, December 27, 2021 11:41:29 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) FYI **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Monday, December 27, 2021 10:40 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles.Miller@OhioAGO.gov **Subject:** New Deadline on Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Ohio AGO We from the Buckeye State (or maybe Bearcat State this year) hope you had an enjoyable Christmas weekend. After sending the "fire drill" email last week on the McKinsey amicus brief, we learned that we now have until **December 30** to file. We thank all of you who reviewed and signed on last week. Thus far we have heard from: 1. Connecticut 2. New York 3. Pennsylvania 4. Kansas 5. Montana 6. Texas 7. Idaho 8. Arkansas 9. Louisiana 10. Utah For those who didn't get a chance to review yet, turns out it isn't too late. Please send all joins by **December 29**, and we will file on the 30th. Thanks & Happy New Year! **Charles M Miller** *Counsel to the Attorney General* Office of Ohio Attorney General Dave Yost Columbus: **614-752-8237** Cincinnati: **513-852-1565** Office Cell: **513-607-0406** Charles.Miller@OhioAGO.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Wednesday, December 22, 2021 11:16 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Charles Miller <Charles.Miller@OhioAGO.gov> **Subject:** Amicus Brief in Opioid MDL McKinsey litigation (N.D. Cal.) To: Civil Amicus Contacts From: Ohio AGO Ohio plans to file the attached amicus brief in the opioid MDL involving McKinsey, which is pending in the Northern District of California. It comes in response to Judge Breyer asking about the impact that releases from State Attorneys General have on subdivision claims. The amicus brief has to be filed Thursday, so we're on a very short turn. If you are interested in joining, please email Jonathan Blanton (Jonathan.Blanton@OhioAGO.gov) and Charles Miller (Charles.Miller@OhioAGO.gov) by **1 PM Eastern** on **Thursday, December 23.** Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov
Attachments	image003[11548].png

Record 1776

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	Re: Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:56:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:57:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:57:15.000 AM

Body	Ok, thanks. Richly deserved Well done everyone ! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 10:49:36 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Isaak sentencing - live Count I – Life without possibility of parole Count II – same (consecutive to Count I) Count III – same (consecutive to Count I & II) Count IV - same (consecutive to Counts I - III) Count V – 10 years straight Count VI – 5 years straight Count VII – 360 days straight *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 9:40 AM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** Re: Isaak sentencing - live Thanks. Connection is slow, so keep me posted. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 9:33:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Isaak sentencing - live KX News Live Stream | KX NEWS (kxnet.com) *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1777

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	Re: Isaak sentencing - live
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:56:10.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:57:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 11:57:15.000 AM

Body	Ok, thanks. Richly deserved Well done everyone ! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 10:49:36 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Isaak sentencing - live Count I – Life without possibility of parole Count II – same (consecutive to Count I) Count III – same (consecutive to Count I & II) Count IV - same (consecutive to Counts I - III) Count V – 10 years straight Count VI – 5 years straight Count VII – 360 days straight *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 9:40 AM **To:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Subject:** Re: Isaak sentencing - live Thanks. Connection is slow, so keep me posted. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Tuesday, December 28, 2021 9:33:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Isaak sentencing - live KX News Live Stream | KX NEWS (kxnet.com) *Britta K. Demello Rice* Assistant Attorney General Criminal & Regulatory Division 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210

Record 1778

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	Re: CLD Statistics - November 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:29:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:29:41.000 PM

Body	Thanks, Robyn, and Happy New Year to you as well! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Tuesday, December 28, 2021 3:28:23 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** CLD Statistics - November 2021 Good Afternoon. Attached please find statistics for November 2021 for the CLD. Let me know if you have any questions or need additional information. Happy New Year! Robyn
CC	tseibel@nd.gov

Record 1779

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	Re: CLD Statistics - November 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:28:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:29:40.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:29:41.000 PM
Body	Thanks, Robyn, and Happy New Year to you as well! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Tuesday, December 28, 2021 3:28:23 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** CLD Statistics - November 2021 Good Afternoon. Attached please find statistics for November 2021 for the CLD. Let me know if you have any questions or need additional information. Happy New Year! Robyn
CC	tseibel@nd.gov

Record 1780

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:32:49.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:33:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:33:32.000 PM
Body	What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1781

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:32:49.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:33:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:33:32.000 PM
Body	What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1782

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:38:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:39:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:39:10.000 PM
Body	Glad to hear that. See you Thursday (if Beth decides we should go home!) Hope you had a nice Christmas. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 28, 2021 3:34:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Very quiet. Knock on wood. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:33:31 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1783

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov

Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:38:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:39:09.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 2:39:10.000 PM
Body	Glad to hear that. See you Thursday (if Beth decides we should go home!) Hope you had a nice Christmas. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 28, 2021 3:34:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Very quiet. Knock on wood. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:33:31 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1784

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:35:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:35:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:35:51.000 PM

Body	I'm sure they told you to being a driver! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 28, 2021 4:29:38 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: At eye dr. Dilated eyes plus sun and snow glare will make the drive home so much fun! Sent from my phone. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:39:09 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Glad to hear that. See you Thursday (if Beth decides we should go home!) Hope you had a nice Christmas. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 28, 2021 3:34:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Very quiet. Knock on wood. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:33:31 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1785

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov
Subject	Re:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:35:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:35:50.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/28/2021 3:35:51.000 PM

Body	I'm sure they told you to being a driver! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, December 28, 2021 4:29:38 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: At eye dr. Dilated eyes plus sun and snow glare will make the drive home so much fun! Sent from my phone. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:39:09 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Glad to hear that. See you Thursday (if Beth decides we should go home!) Hope you had a nice Christmas. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Tuesday, December 28, 2021 3:34:16 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Very quiet. Knock on wood. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, December 28, 2021 2:33:31 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** What's going on at the office? Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1786

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Subject	FW: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:22:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:22:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:22:00.000 AM

Body

As you can see, our flight home for today has been cancelled.
We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow.
I have that one opinion that Ally says must be out before next week so I will be working on that today.
Let me know if there's anything else I need to do before the end of the year.
Wayne

From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary

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You have already been booked on the best available option.

DELTA

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,
Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans an apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

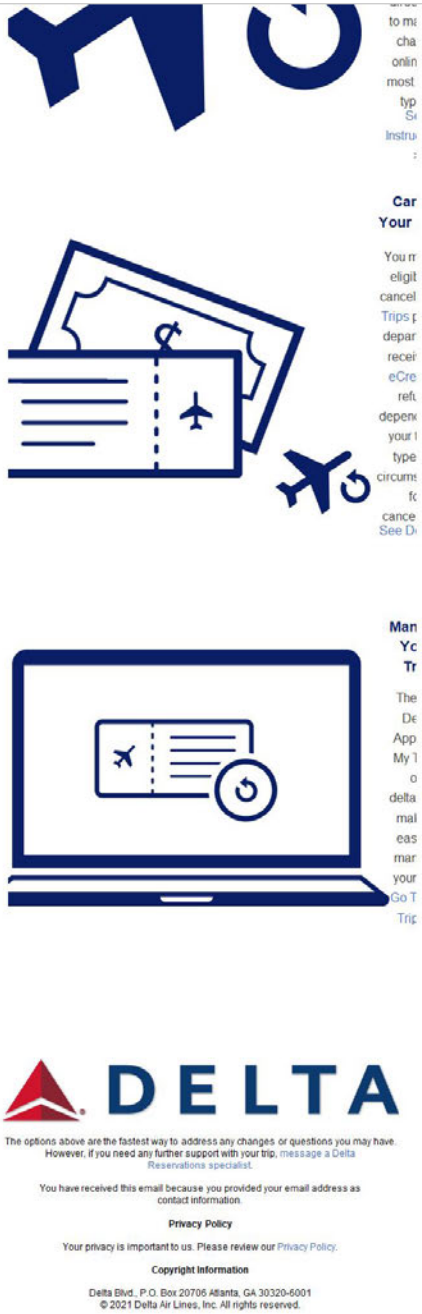
Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul, Minnes~~ ~~7:30 PM~~
~~Delta 3603~~ ~~Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota~~ ~~10:45 PM~~	~~Bismarck,North Dakota~~ ~~12:26 PM~~

FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

Body	

Record 1787

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Subject	FW: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:22:05.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:22:06.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 6:22:00.000 AM

Body

As you can see, our flight home for today has been cancelled.
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From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
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To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary

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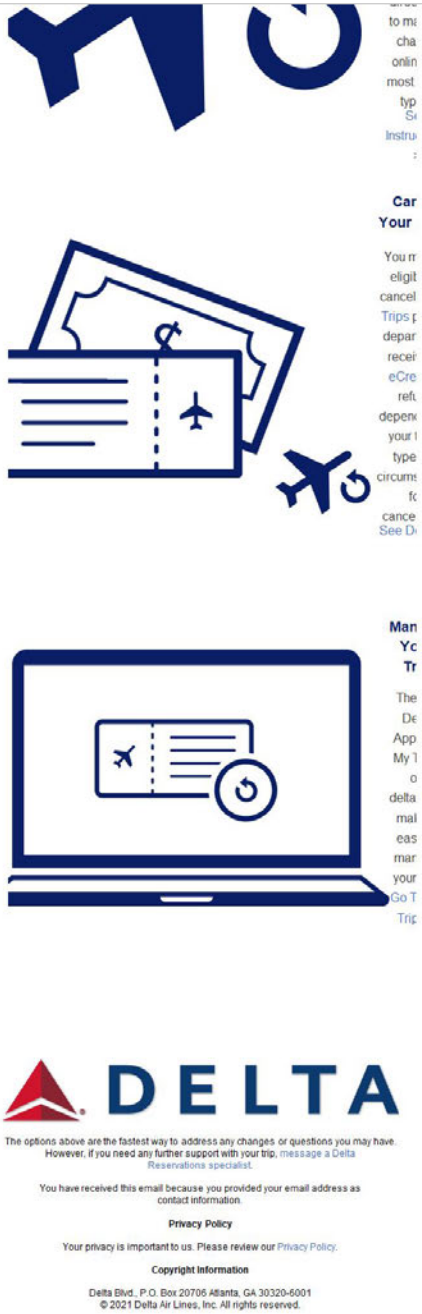
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul, Minnes~~ ~~7:30 PM~~
~~Delta 3603~~ ~~Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota~~ ~~10:45 PM~~	~~Bismarck,North Dakota~~ ~~12:26 PM~~

FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

Body	

Record 1788

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:55:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:55:57.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:56:00.000 AM

Body

Very well.
Perhaps you can find out the answer to this question:
We are required to have a negative COVID test within 24 hours to fly home.
We got the tests [all negative] but now our flight leaves tomorrow at 3:40pm, 24 hours later.
Do we have to have another test today to fly?
[the Delta app is useless, and the wait for a phone call is 688 minutes]
Can you find the answer for us somewhere?
Signed,
Exasperated in Montego Bay

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Wednesday, December 29, 2021 8:49 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: Your Flight Was Canceled. Here's Your New Itinerary

We are working on edits and cite checking the draft, and will email you the updated draft asap today. Liz

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Wednesday, December 29, 2021 6:22 AM
To: Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov>
Subject: FW: Your Flight Was Canceled. Here's Your New Itinerary

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From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary.
Ca

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DELTA

Skylities Member

Your Flight Has Been Rebooked

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Your New Flight Info

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FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

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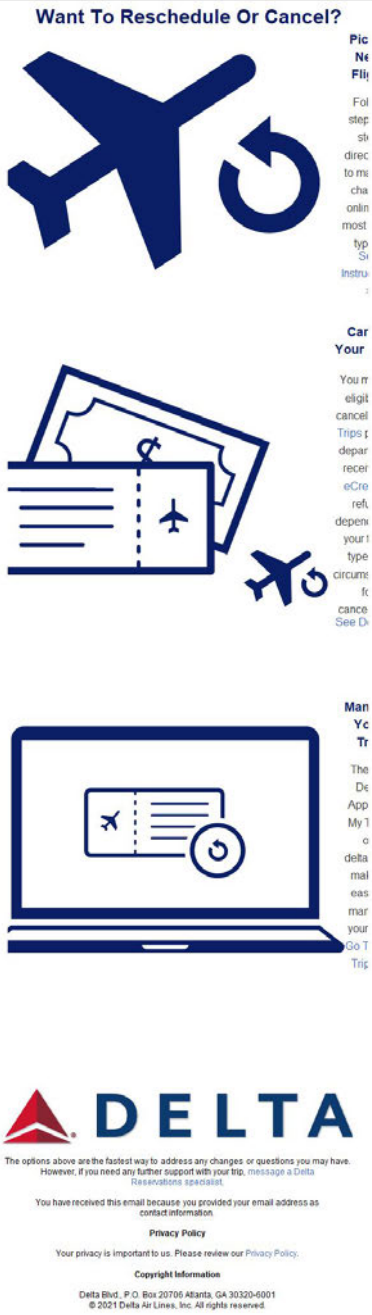
**Arrival date is different than departure date.

Body	

Record 1789

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:55:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:55:57.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 8:56:00.000 AM

Body

Very well.
Perhaps you can find out the answer to this question:
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DELTA

*******529630
SkyMiles®
Member

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FLIGHT	SEAT	
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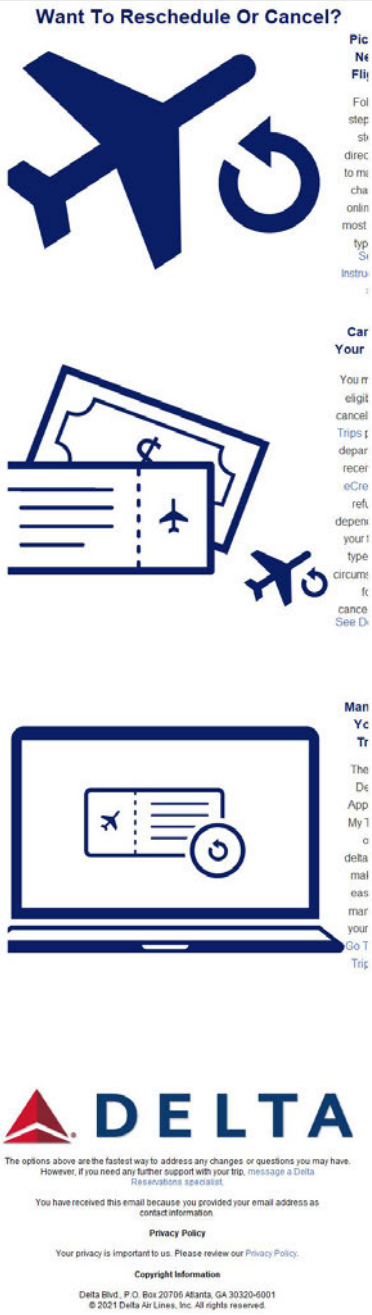
Body	

Record 1790

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:03:11.000 AM
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Body

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FLIGHT	SEAT	
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Delta 3603		Choose Seat

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Want To Reschedule Or Cancel?

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Body	 **Car** **Your** You m eligit cancel Trips p depar recei eCre refu depen your t type circums fc cance See D **Man** **Yc** **Tr** The De App My T o delta mal eas mar your Go T Trip DELTA The options above are the fastest way to address any changes or questions you may have. However, if you need any further support with your trip, message a Delta Reservations specialist. You have received this email because you provided your email address as contact information. **Privacy Policy** Your privacy is important to us. Please review our Privacy Policy. **Copyright Information** Delta Blvd., P.O. Box 20706 Atlanta, GA 30320-6001 © 2021 Delta Air Lines, Inc. All rights reserved.

Record 1791

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: Your Flight Was Canceled. Here's Your New Itinerary
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Body	 **Car** **Your** You m eligit cancel Trips p depar recei eCre refu depen your t type circums fc cance See D **Man** **Yc** **Tr** The De App My T o delta mal eas mar your Go T Trip DELTA The options above are the fastest way to address any changes or questions you may have. However, if you need any further support with your trip, message a Delta Reservations specialist. You have received this email because you provided your email address as contact information. **Privacy Policy** Your privacy is important to us. Please review our Privacy Policy. **Copyright Information** Delta Blvd., P.O. Box 20706 Atlanta, GA 30320-6001 © 2021 Delta Air Lines, Inc. All rights reserved.

Record 1792

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:13:38.000 AM
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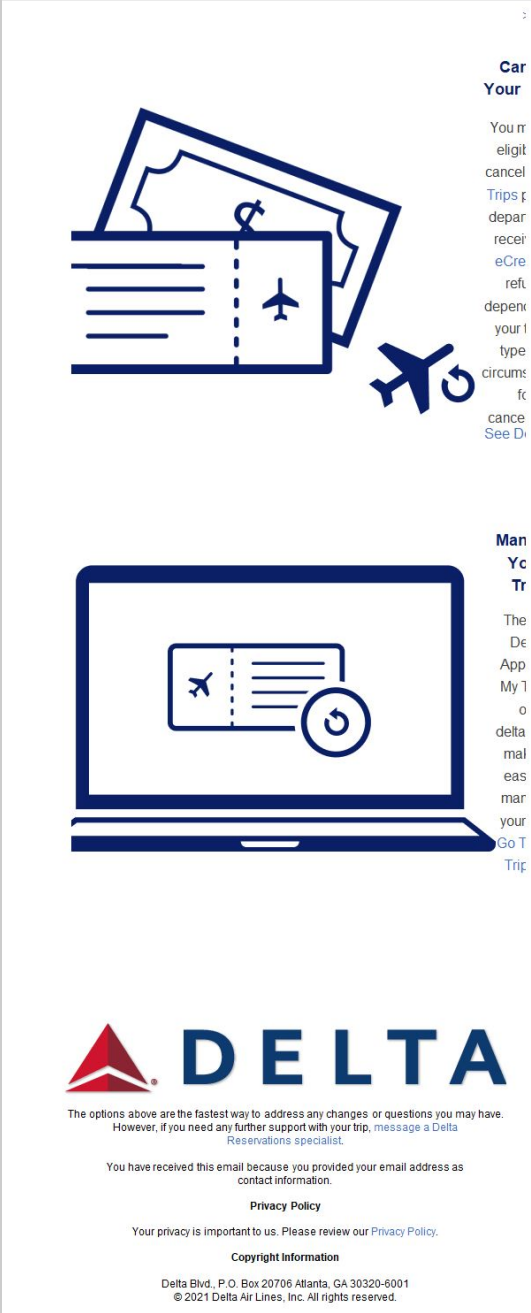
Body	

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Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans and apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul, Minnes~~ ~~7:30 PM~~
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FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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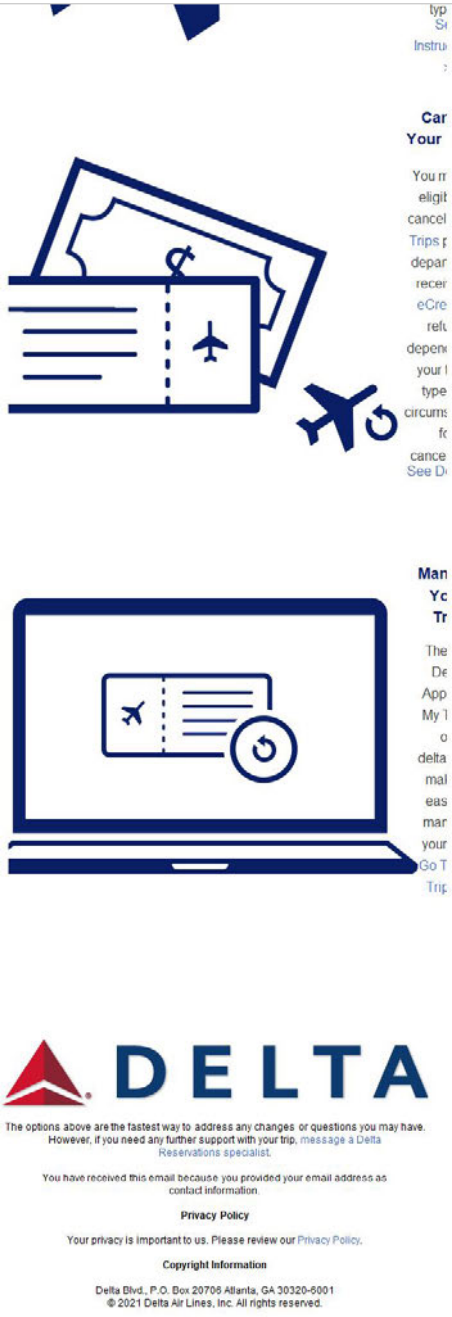
Body	

Record 1795

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:14:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:14:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:14:48.000 AM

Body	Rod Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 10:14:10 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Your Flight Was Canceled. Here's Your New Itinerary Not that I'm trying to get rod of you Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. **Sent:** Wednesday, December 29, 2021 10:03:11 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Thank you! You could go and work for Delta. They are badly in need of competent help! Wayne **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 9:01 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary According to the CDC information, for testing to return to the USA: if your FIRST flight in your trip is delayed past the 1-day limit of testing due to a situation beyond your control (e.g. delays because of severe weather or aircraft mechanical problem) and that delay is **24 hours** or less past the 1-day limit for testing, you do not need to be retested. If the delay is more than **24 hours** past the 1-day limit, then you will need to be retested. See: https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html#anchor_1635127088. (emphasis in original) The CDC page has a "last updated" date of December 17th. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 8:56 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Very well. Perhaps you can find out the answer to this question: We are required to have a negative COVID test within 24 hours to fly home. We got the tests [all negative] but now our flight leaves tomorrow at 3:40pm, 24 hours later. Do we have to have another test today to fly? [the Delta app is useless, and the wait for a phone call is 688 minutes] Can you find the answer for us somewhere? Signed, Exasperated in Montego Bay **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 8:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary We are working on edits and cite checking the draft, and will email you the updated draft asap today. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 6:22 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Your Flight Was Canceled. Here's Your New Itinerary As you can see, our flight home for today has been cancelled. We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow. I have that one opinion that Ally says must be out before next week so I will be working on that today. Let me know if there's anything else I need to do before the end of the year. Wayne **From:** DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com> **Sent:** Wednesday, December 29, 2021 5:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Your Flight Was Canceled. Here's Your New Itinerary. Ca

Body

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DELTA

*******H29630
SkyMiles®
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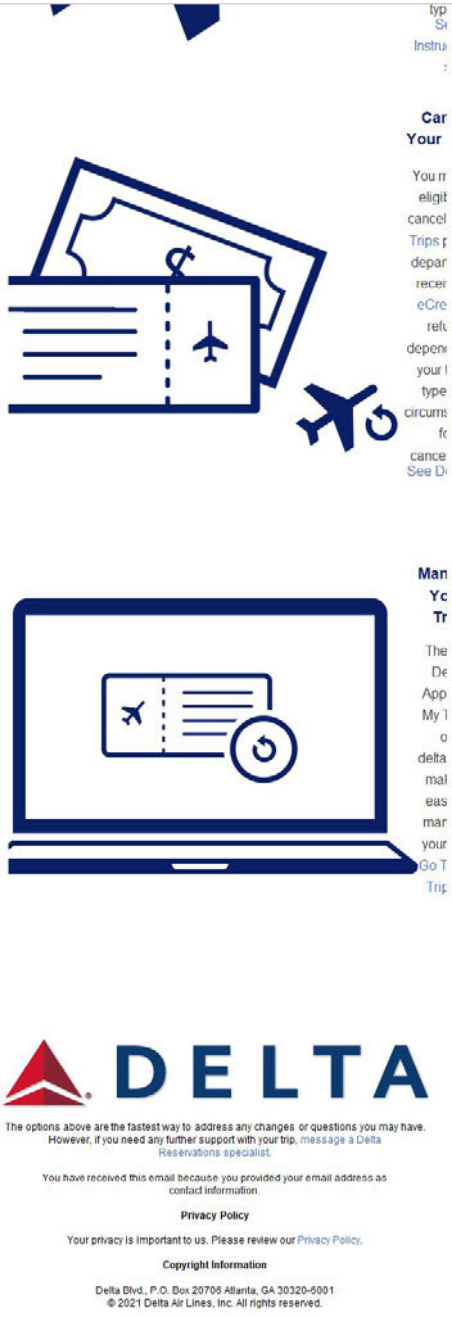
Body	

Record 1796

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Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:14:52.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 9:15:01.000 AM
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DELTA ********5398 SkyMiles® Member

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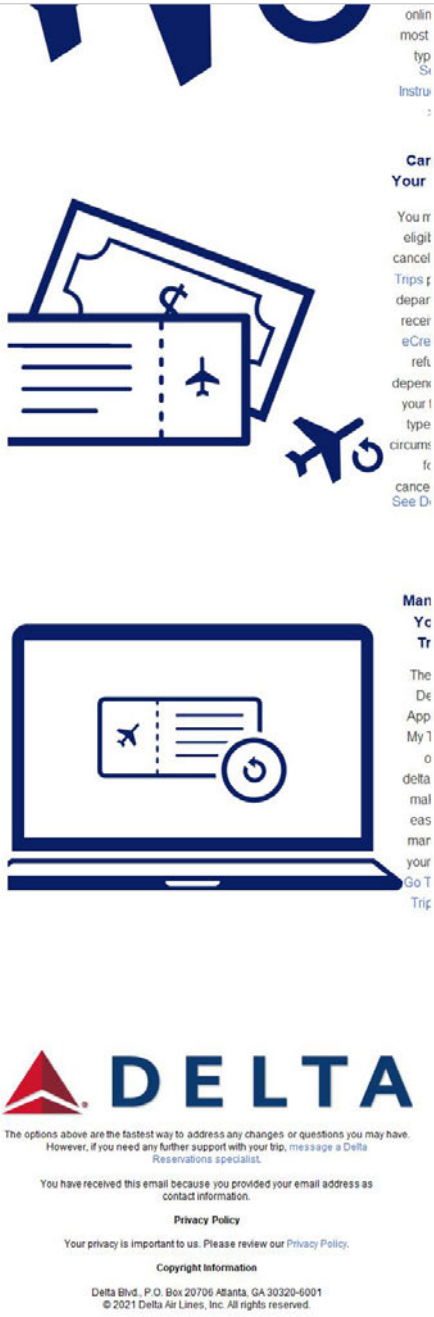
Body	

Record 1797

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Your Flight Was Canceled. Here's Your New Itinerary
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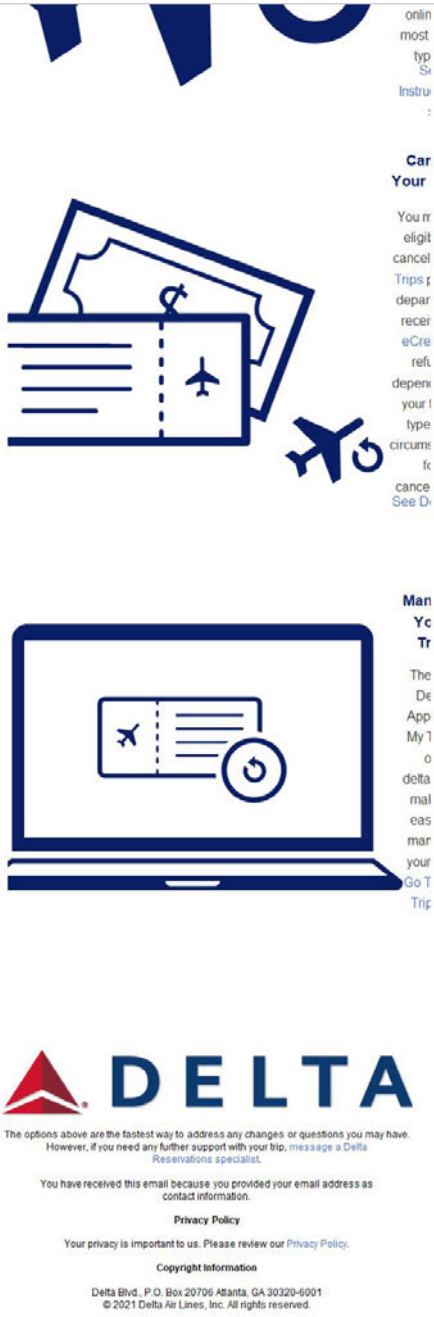
Body	

Record 1798

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Your Flight Was Canceled. Here's Your New Itinerary
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:01:55.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:01:58.000 AM
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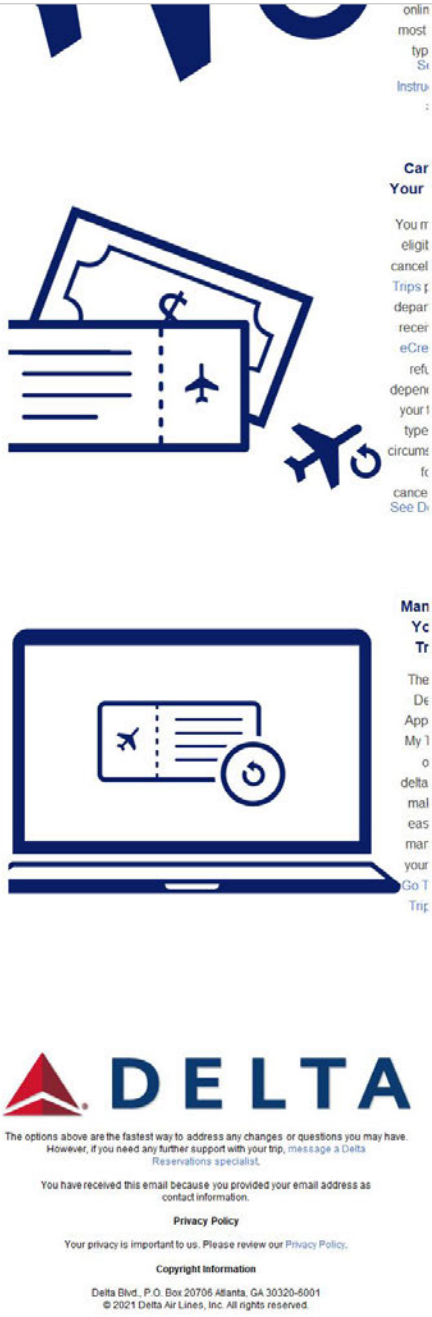
Body	

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Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:01:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:01:59.000 AM

Body	I definitely will! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 10:15:22 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Okay. phew! I wondered □□ Enjoy your surprise extra day of warm sunny weather and ocean breezes. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 9:14 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Your Flight Was Canceled. Here's Your New Itinerary Not that I'm trying to get rod of you Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. **Sent:** Wednesday, December 29, 2021 10:03:11 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Thank you! You could go and work for Delta. They are badly in need of competent help! Wayne **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 9:01 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary According to the CDC information, for testing to return to the USA: if your FIRST flight in your trip is delayed past the 1-day limit of testing due to a situation beyond your control (e.ge delays because of severe weather or aircraft mechanical problem) and that delay is **24 hours** or less past the 1-day limit for testing, you do not need to be retested. If the delay is more than **24 hours** past the 1-day limit, then you will need to be retested. See: https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html#anchor_1635127083. (emphasis in original) The CDC page has a "last updated" date of December 17th. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 8:56 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary Very well. Perhaps you can find out the answer to this question: We are required to have a negative COVID test within 24 hours to fly home. We got the tests [all negative] but now our flight leaves tomorrow at 3:40pm, 24 hours later. Do we have to have another test today to fly? [the Delta app is useless, and the wait for a phone call is 688 minutes] Can you find the answer for us somewhere? Signed, Exasperated in Montego Bay **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 8:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Your Flight Was Canceled. Here's Your New Itinerary We are working on edits and cite checking the draft, and will email you the updated draft asap today. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 6:22 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Your Flight Was Canceled. Here's Your New Itinerary As you can see, our flight home for today has been cancelled. We are now scheduled for tomorrow instead, so it looks like I will not be in the office tomorrow. I have that one opinion that Ally says must be out before next week so I will be working on that today. Let me know if there's anything else I need to do before the end of the year. Wayne

Body

From: DeltaAirLines@g.delta.com <DeltaAirLines@g.delta.com>
Sent: Wednesday, December 29, 2021 5:07 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Your Flight Was Canceled. Here's Your New Itinerary.
Ca

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

You have already been booked on the best available option.

DELTA ********529630 SkyMiles® Member

Your Flight Has Been Rebooked

Hello BETH DANEEN and WAYNE KEVIN,
Your upcoming flight, Trip Confirmation #H2ANBP, was impacted by a flight cancellation, but we automatically rebooked you on the next available flight. There's no further action you need to take unless you'd like to make additional changes to your new itinerary. We know this change may impact your plans an apologize for any inconvenience it may cause. We thank you for choosing Delta and look forward to serving you on board.

Your New Flight Info

FLIGHT/DATE	DEPART	ARRIVE
Delta 1893 Thu, December 30	Montego Bay 3:20 PM	Minneapolis/St. Paul, Minnes 7:30 PM
Delta 3603 Thu, December 30	Minneapolis/St. Paul, Minnesota 10:45 PM	Bismarck,North Dakota 12:26 AM ** Fri, December 31
~~Delta 1893~~ ~~Wed, December 29~~	~~Montego Bay~~ ~~3:20 PM~~	~~Minneapolis/St. Paul, Minnes~~ ~~7:30 PM~~
~~Delta 3603~~ ~~Wed, December 29~~	~~Minneapolis/St. Paul, Minnesota~~ ~~10:45 PM~~	~~Bismarck,North Dakota~~ ~~12:26 PM~~

FLIGHT	SEAT	
Delta 1893		Choose Seat
Delta 3603		Choose Seat

* Delta 3603 is operated by SkyWest DBA Delta Connection
**Arrival date is different than departure date.

Want To Reschedule Or Cancel?

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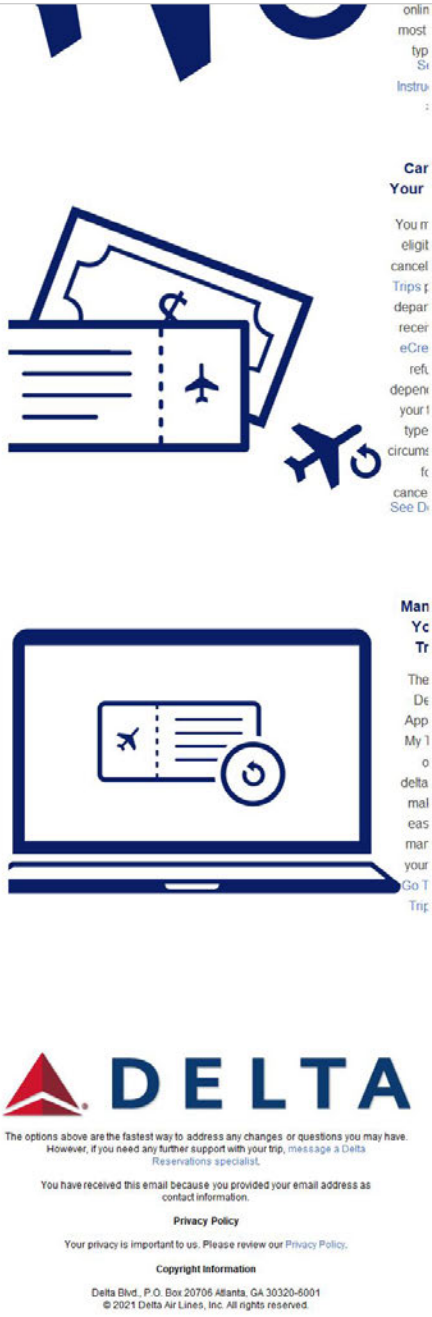
Body	

Record 1800

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Fwd: OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:39:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:39:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:39:31.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Wednesday, December 29, 2021 11:34:25 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; brandon.smith@ag.tn.gov <brandon.smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; 'Ross Bergethon' <RBergethon@law.ga.gov>; beau.roysden@azag.gov <beau.roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov' <'Whitney.Lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** OSHA ETS - State Plan States ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 I Direct: (515) 281-8583 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[14988].png

Record 1801

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov
Subject	Fwd: OSHA ETS - State Plan States
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:39:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:39:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 10:39:31.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Langholz, Sam <Sam.Langholz@ag.iowa.gov> **Sent:** Wednesday, December 29, 2021 11:34:25 AM **To:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov' <'Andree.Blumstein@ag.tn.gov'>; 'Anthony.J.Galdieri@doj.nh.gov' <'Anthony.J.Galdieri@doj.nh.gov'>; 'BCook@scag.gov' <'BCook@scag.gov'>; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; Boal, Michael [IGOV] <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; brandon.smith@ag.tn.gov <brandon.smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov' <'brian.kane@ag.idaho.gov'>; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov' <'Daniel.E.Will@doj.nh.gov'>; 'David.mcvey@state.sd.us' <'David.mcvey@state.sd.us'>; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'Iaccarino, Carmine G (KYOAG)' <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov' <'john.sauer@ago.mo.gov'>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov' <'Justin.Matheny@ago.ms.gov'>; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov' <'lindsay.s.see@wvago.gov'>; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov' <'masagsve@nd.gov'>; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov' <'melissaholyoak@agutah.gov'>; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us' <'Paul.Swedlund@state.sd.us'>; 'rcantrell@agutah.gov' <'rcantrell@agutah.gov'>; 'Ross Bergethon' <RBergethon@law.ga.gov>; beau.roysden@azag.gov <beau.roysden@azag.gov>; 'ryan.schelhaas@wyo.gov' <'ryan.schelhaas@wyo.gov'>; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov' <'Scott.Stewart@ago.ms.gov'>; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov' <'Shannon.Grammel@ag.ks.gov'>; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us' <'steven.blair@state.sd.us'>; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov' <'thomas.t.lampman@wvago.gov'>; 'ThomasHydrick@scag.gov' <'ThomasHydrick@scag.gov'>; 'tom.fisher@atg.in.gov' <'tom.fisher@atg.in.gov'>; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov' <'Whitney.Lipscomb@ago.ms.gov'>; 'wstenehjem@nd.gov' <'wstenehjem@nd.gov'>; 'zach.west@oag.ok.gov' <'zach.west@oag.ok.gov'> **Subject:** OSHA ETS - State Plan States ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Federal OSHA has informed State Plan states that we need to provide notice of whether we will be adopting the ETS by 1/7/22, the same date as oral argument. Iowa's state agency is considering its options, including the possibilities of (1) announcing in advance that it will not adopt the ETS because it's no more effective than existing state standards or (2) declining to take action because of the pending litigation. I'm curious if those of you from other state plans states have considered how to handle the deadline or any potential impacts of those decisions on this litigation. I haven't been able to find any news reports of any other states announcing their intentions yet. Best, Sam **Sam Langholz** **Assistant Solicitor General** **Office of the Attorney General of Iowa** 1305 E. Walnut St. Des Moines, Iowa 50319 Main: (515) 281-5164 I Direct: (515) 281-8583 Email: Sam.Langholz@ag.iowa.gov | www.iowaattorneygeneral.gov
Attachments	image001[11553].png

Record 1802

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddnelson@nd.gov, tseibel@nd.gov
Subject	Re: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:33:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:34:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:34:14.000 AM

Body	Thanks for the information, Doug. Happy New Year Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Nelson, Douglas D. <ddnelson@nd.gov> **Sent:** Wednesday, December 29, 2021 12:07:03 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Hi Wayne and Troy, Attached the conclusion paragraph from the report noted below. I know you don't have time to read a whole research report on this, so I included the short conclusion synopsis so that you would have time to read if you were interested. Just some new research as to the airborne hazards that fire investigators are exposed to when examining a scene. And if you don't have time, no worries or expectations, just sharing information, I know you are both very busy. Let me know if you have any questions. Thanks, Doug Nelson **From:** Jim Narva <jnarva@narvaassociates.com> **Sent:** Tuesday, December 21, 2021 12:26 PM **To:** Jim Narva <jnarva@narvaassociates.com> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear NASFM Member, We are forwarding along a link to a publication from the UL Fire Safety Research Institute dealing with occupational exposures to fire investigators. Many of you have fire investigation within the responsibility of your office and this publication really shows the need to protect our fire investigators from airborne contaminations. If you have seen this I apologize for the duplication. Merry Christmas, Jim Narva NASFM Executive Director **From:** Williams, Jennifer <Jennifer.Williams@ul.org> **Sent:** Monday, December 20, 2021 8:50 AM **To:** Jon Narva <jon@NarvaAssociates.com>; Jim Narva <jnarva@narvaassociates.com>; respondermarketing <respondermarketing@gmail.com> **Subject:** FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Good morning, Hope you are having a safe and happy holiday season! Today we have announced our latest publication that may be of particular interest to NASFM. Most chemical exposure studies have primarily focused on firefighters during suppression or overhaul. However, as you know, fire investigators may be occupationally exposed to many of the same compounds but are often tasked with working on the scene for longer periods of time with limited PPE. Our latest peer-reviewed journal article highlights the need to protect investigators' airways from particulates during investigations and post-fire reconstruction activities. "Airborne contamination during post-fire investigations: hot, warm and cold scenes" was recently published in the Journal of Occupational and Environmental Hygiene. Learn more about the study and download the article here: https://s.ul.org/3yMRNFA Let us know if you have any questions about the study. We plan to highlight this again on our channels following the holidays. Thanks for all you do. Stay safe, **Jennifer Williams** **Senior Content Specialist** Fire Safety Research Institute --- Underwriters Laboratories Inc. 6200 Old Dobbin Lane, Suite 150 Columbia, MD 21045 USA C +1 240.401.0912 E jennifer.williams@ul.org W fsri.org CloseYourDoor.org Smokealarms.ul.org This e-mail may contain privileged or confidential information. If you are not the intended recipient: (1) you may not disclose, use, distribute, copy or rely upon this message or attachment(s); and (2) please notify the sender by reply e-mail, and then delete this message and its attachment(s). Underwriters Laboratories Inc. and its affiliates disclaim all liability for any errors, omissions, corruption or virus in this message or any attachments.
Attachments	image001[14994].png

Record 1803

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ddnelson@nd.gov, tseibel@nd.gov
Subject	Re: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:33:39.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:34:14.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 11:34:14.000 AM

Body	Thanks for the information, Doug. Happy New Year Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Nelson, Douglas D. <ddnelson@nd.gov> **Sent:** Wednesday, December 29, 2021 12:07:03 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Hi Wayne and Troy, Attached the conclusion paragraph from the report noted below. I know you don't have time to read a whole research report on this, so I included the short conclusion synopsis so that you would have time to read if you were interested. Just some new research as to the airborne hazards that fire investigators are exposed to when examining a scene. And if you don't have time, no worries or expectations, just sharing information, I know you are both very busy. Let me know if you have any questions. Thanks, Doug Nelson **From:** Jim Narva <jnarva@narvaassociates.com> **Sent:** Tuesday, December 21, 2021 12:26 PM **To:** Jim Narva <jnarva@narvaassociates.com> **Subject:** FW: FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear NASFM Member, We are forwarding along a link to a publication from the UL Fire Safety Research Institute dealing with occupational exposures to fire investigators. Many of you have fire investigation within the responsibility of your office and this publication really shows the need to protect our fire investigators from airborne contaminations. If you have seen this I apologize for the duplication. Merry Christmas, Jim Narva NASFM Executive Director **From:** Williams, Jennifer <Jennifer.Williams@ul.org> **Sent:** Monday, December 20, 2021 8:50 AM **To:** Jon Narva <jon@NarvaAssociates.com>; Jim Narva <jnarva@narvaassociates.com>; respondermarketing <respondermarketing@gmail.com> **Subject:** FSRI Journal Article Addresses Airborne Contamination During Post-Fire Investigations Good morning, Hope you are having a safe and happy holiday season! Today we have announced our latest publication that may be of particular interest to NASFM. Most chemical exposure studies have primarily focused on firefighters during suppression or overhaul. However, as you know, fire investigators may be occupationally exposed to many of the same compounds but are often tasked with working on the scene for longer periods of time with limited PPE. Our latest peer-reviewed journal article highlights the need to protect investigators' airways from particulates during investigations and post-fire reconstruction activities. "Airborne contamination during post-fire investigations: hot, warm and cold scenes" was recently published in the Journal of Occupational and Environmental Hygiene. Learn more about the study and download the article here: https://s.ul.org/3yMRNFA Let us know if you have any questions about the study. We plan to highlight this again on our channels following the holidays. Thanks for all you do. Stay safe, **Jennifer Williams** **Senior Content Specialist** Fire Safety Research Institute --- Underwriters Laboratories Inc. 6200 Old Dobbin Lane, Suite 150 Columbia, MD 21045 USA C +1 240.401.0912 E jennifer.williams@ul.org W fsri.org CloseYourDoor.org Smokealarms.ul.org This e-mail may contain privileged or confidential information. If you are not the intended recipient: (1) you may not disclose, use, distribute, copy or rely upon this message or attachment(s); and (2) please notify the sender by reply e-mail, and then delete this message and its attachment(s). Underwriters Laboratories Inc. and its affiliates disclaim all liability for any errors, omissions, corruption or virus in this message or any attachments.
Attachments	image001[11559].png

Record 1804

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Re: Ethics Commission Opinion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 12:07:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 12:07:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 12:07:40.000 PM

Body	Ok, thank you. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, December 29, 2021 12:44:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ethics Commission Opinion I have visited with Ally about the Ethics Commission opinion. I think the opinion is in good shape, including the footnote you had her draft. She has proposed an alternative footnote, which we will send to you. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov

Record 1805

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Re: Ethics Commission Opinion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 12:07:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 12:07:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 12:07:40.000 PM
Body	Ok, thank you. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, December 29, 2021 12:44:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ethics Commission Opinion I have visited with Ally about the Ethics Commission opinion. I think the opinion is in good shape, including the footnote you had her draft. She has proposed an alternative footnote, which we will send to you. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov

Record 1806

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Re: Ethics Commission Opinion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:43:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:45:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:45:03.000 PM

Body	Let me know know when you've sent the alternate footnote, and also send the most recent version so I'm sure we are operating from the same one. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 1:07:39 PM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Ethics Commission Opinion Ok, thank you. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, December 29, 2021 12:44:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ethics Commission Opinion I have visited with Ally about the Ethics Commission opinion. I think the opinion is in good shape, including the footnote you had her draft. She has proposed an alternative footnote, which we will send to you. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov

Record 1807

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	Re: Ethics Commission Opinion
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:43:54.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:45:03.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:45:03.000 PM

Body	Let me know know when you've sent the alternate footnote, and also send the most recent version so I'm sure we are operating from the same one. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, December 29, 2021 1:07:39 PM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Ethics Commission Opinion Ok, thank you. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Seibel, Troy T. <tseibel@nd.gov> **Sent:** Wednesday, December 29, 2021 12:44:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Ethics Commission Opinion I have visited with Ally about the Ethics Commission opinion. I think the opinion is in good shape, including the footnote you had her draft. She has proposed an alternative footnote, which we will send to you. Troy T. Seibel Chief Deputy Attorney General Office of Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 701-328-2210 tseibel@nd.gov

Record 1808

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:47:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:48:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:48:53.000 PM
Body	Let me know when you have sent the most recent draft of the footnote. Also, please send the most recent version of the opinion so I am sure we are working from the same draft. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1809

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:47:27.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:48:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 3:48:53.000 PM
Body	Let me know when you have sent the most recent draft of the footnote. Also, please send the most recent version of the opinion so I am sure we are working from the same draft. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1810

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov

Recipients	reception.montergobay@riu.com
Subject	Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:02:09.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:02:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:02:49.000 PM
Body	
Attachments	16039.docx, Opinion_Ethics-12-29-21[16038].rtf

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Brocker, Liz <lbrocker@nd.gov>
Sent: Wednesday, December 29, 2021 5:16:34 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: 195.01 - Ethics Commission Ron Goodman - OPINION

When you decide on which footnote (and any edits), please copy me on the response to Ally, so I can make sure I have correct info for my "fly speck" final review tomorrow before it gets issued. Thank you. Liz

From: Hicks, Allyson M. <ahicks@nd.gov>
Sent: Wednesday, December 29, 2021 4:14 PM
To: Brocker, Liz <lbrocker@nd.gov>
Subject: FW: 195.01 - Ethics Commission Ron Goodman - OPINION

Good afternoon, Liz,

Attached is the most recent, cite-checked version of the Ethics Commission opinion. I'm still waiting for Wayne's final decision on the footnote, but both are included just in case you think it will make a difference for the summary.

Can you please proof it too?

Thank you,

Allyson M. Hicks
Assistant Attorney General
Office of Attorney General
600 E Boulevard Ave.
Bismarck, ND 58505-0040
ahicks@nd.gov
(701) 328-2210
ND ID # 07293

CONFIDENTIALITY NOTICE
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From: Hicks, Allyson M.
Sent: Wednesday, December 29, 2021 3:37 PM
To: Seibel, Troy T. <tseibel@nd.gov>
Subject: 195.01 - Ethics Commission Ron Goodman - OPINION

Hi Troy,

Attached please find a final and cite-checked opinion for the Ethics Commission. This version contains the original footnote (the footnote in question is FN 24). I've also attached a proposed modified FN 24 which addresses my concerns which I've raised with you and Wayne.

Please let me know Wayne's thoughts and I will revise the opinion accordingly.

Sincerely,

Allyson M. Hicks
Assistant Attorney General
Office of Attorney General
600 E Boulevard Ave.
Bismarck, ND 58505-0040
ahicks@nd.gov
(701) 328-2210
ND ID # 07293

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Record 1811

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	reception.montergobay@riu.com
Subject	Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:02:09.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:02:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:02:49.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 5:16:34 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: 195.01 - Ethics Commission Ron Goodman - OPINION When you decide on which footnote (and any edits), please copy me on the response to Ally, so I can make sure I have correct info for my "fly speck" final review tomorrow before it gets issued. Thank you. Liz **From:** Hicks, Allyson M. <ahicks@nd.gov> **Sent:** Wednesday, December 29, 2021 4:14 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: 195.01 - Ethics Commission Ron Goodman - OPINION Good afternoon, Liz, Attached is the most recent, cite-checked version of the Ethics Commission opinion. I'm still waiting for Wayne's final decision on the footnote, but both are included just in case you think it will make a difference for the summary. Can you please proof it too? Thank you, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. **From:** Hicks, Allyson M. **Sent:** Wednesday, December 29, 2021 3:37 PM **To:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** 195.01 - Ethics Commission Ron Goodman - OPINION Hi Troy, Attached please find a final and cite-checked opinion for the Ethics Commission. This version contains the original footnote (the footnote in question is FN 24). I've also attached a proposed modified FN 24 which addresses my concerns which I've raised with you and Wayne. Please let me know Wayne's thoughts and I will revise the opinion accordingly. Sincerely, Allyson M. Hicks Assistant Attorney General Office of Attorney General 600 E Boulevard Ave. Bismarck, ND 58505-0040 ahicks@nd.gov (701) 328-2210 ND ID # 07293 CONFIDENTIALITY NOTICE This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.
Attachments	12689.docx, Opinion_Ethics-12-29-21[12688].rtf

Record 1812

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	reception.montegobay@riu.com
Subject	Fwd: Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:04:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:05:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:05:30.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@NDGOV.onmicrosoft.com>
Sent: Wednesday, December 29, 2021 8:02:51 PM
To: reception.montergobay@riu.com <reception.montergobay@riu.com>
Subject: Undeliverable: Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION

Office 365

Your message to reception.montergobay@riu.com couldn't be delivered.

reception.montergobay wasn't found at riu.com.

wstenehjem	Office 365	reception.montergoba. . .
Action Required		Recipient

Unknown To address

How to Fix It
The address may be misspelled or may not exist. Try one or more of the following:

- **Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose Send Again from the Report ribbon. In Outlook on the web, select this NDR, then select the link "To send this message again, click here." Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click Send.**
- **Contact the recipient (by phone, for example) to check that the address exists and is correct.**
- **The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.**
- **Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: Fix email delivery issues for error code 5.1.1 in Office 365, and then send the message again. Retype the entire recipient address before selecting Send.**

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the More Info for Email Admins section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

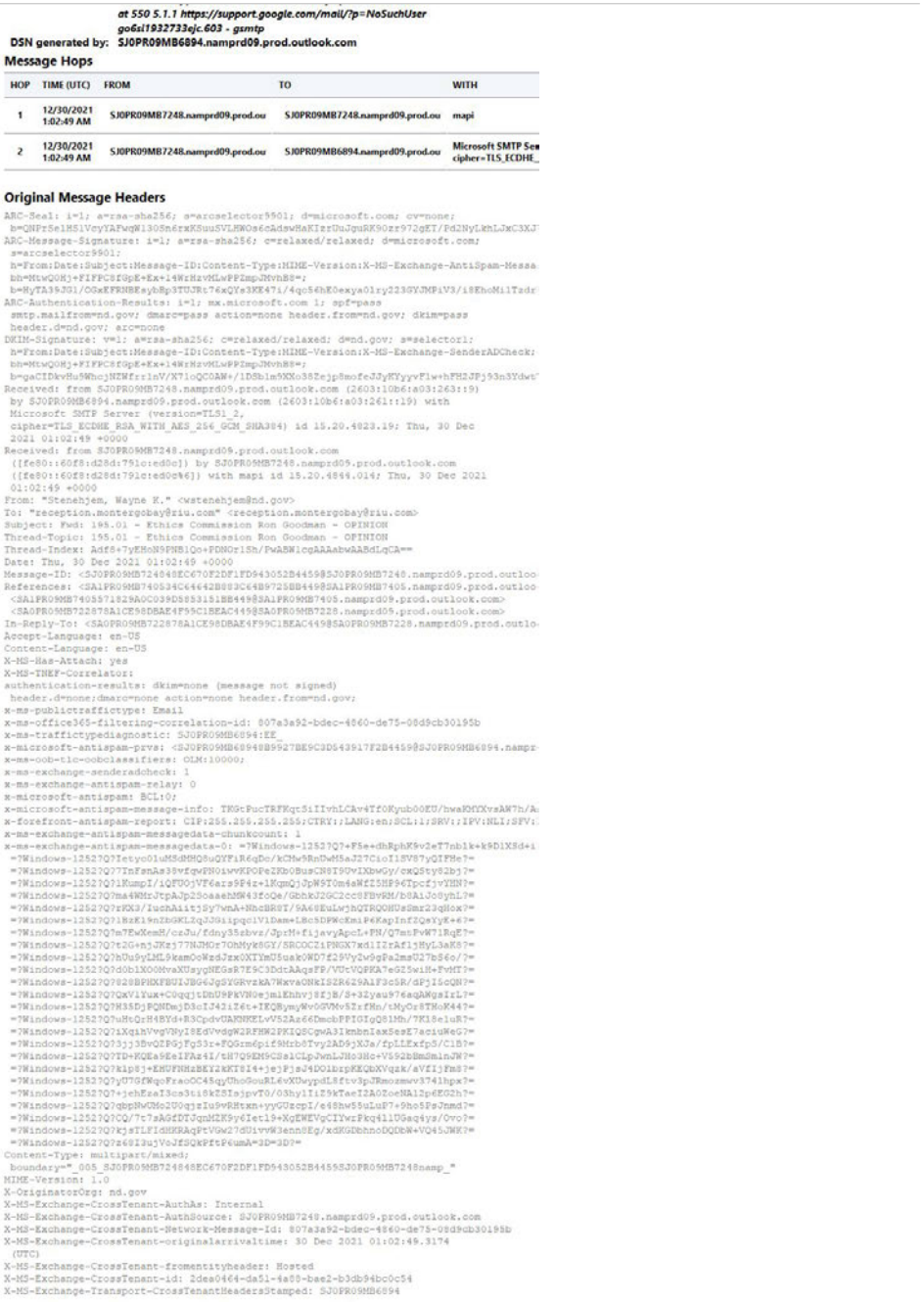
For more information and additional tips to fix this issue, see Fix email delivery issues for error code 550 5.1.1 in Office 365.

Original Message Details

Created Date:	**12/30/2021 1:02:49 AM**
Sender Address:	**wstenehjem@nd.gov**
Recipient Address:	**reception.montergobay@riu.com**
Subject:	**Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION**

Error Details

Reported error:	***550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's ema address for typos or 550-5.1.1 unnecessary spaces. Learn mor***

Body	
Attachments	16037.eml

Record 1813

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	reception.montegobay@riu.com
Subject	Fwd: Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:04:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:05:30.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:05:30.000 PM

Body

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@NDGOV.onmicrosoft.com>
Sent: Wednesday, December 29, 2021 8:02:51 PM
To: reception.montergobay@riu.com <reception.montergobay@riu.com>
Subject: Undeliverable: Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION

Office 365

Your message to reception.montergobay@riu.com couldn't be delivered.

reception.montergobay wasn't found at riu.com.

wstenehjem	Office 365	reception.montergoba. . .
Action Required		Recipient

Unknown To address

How to Fix It
The address may be misspelled or may not exist. Try one or more of the following:

- **Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose Send Again from the Report ribbon. In Outlook on the web, select this NDR, then select the link "To send this message again, click here." Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click Send.**
- **Contact the recipient (by phone, for example) to check that the address exists and is correct.**
- **The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.**
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If the problem continues, forward this message to your email admin. If you're an email admin, refer to the More Info for Email Admins section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

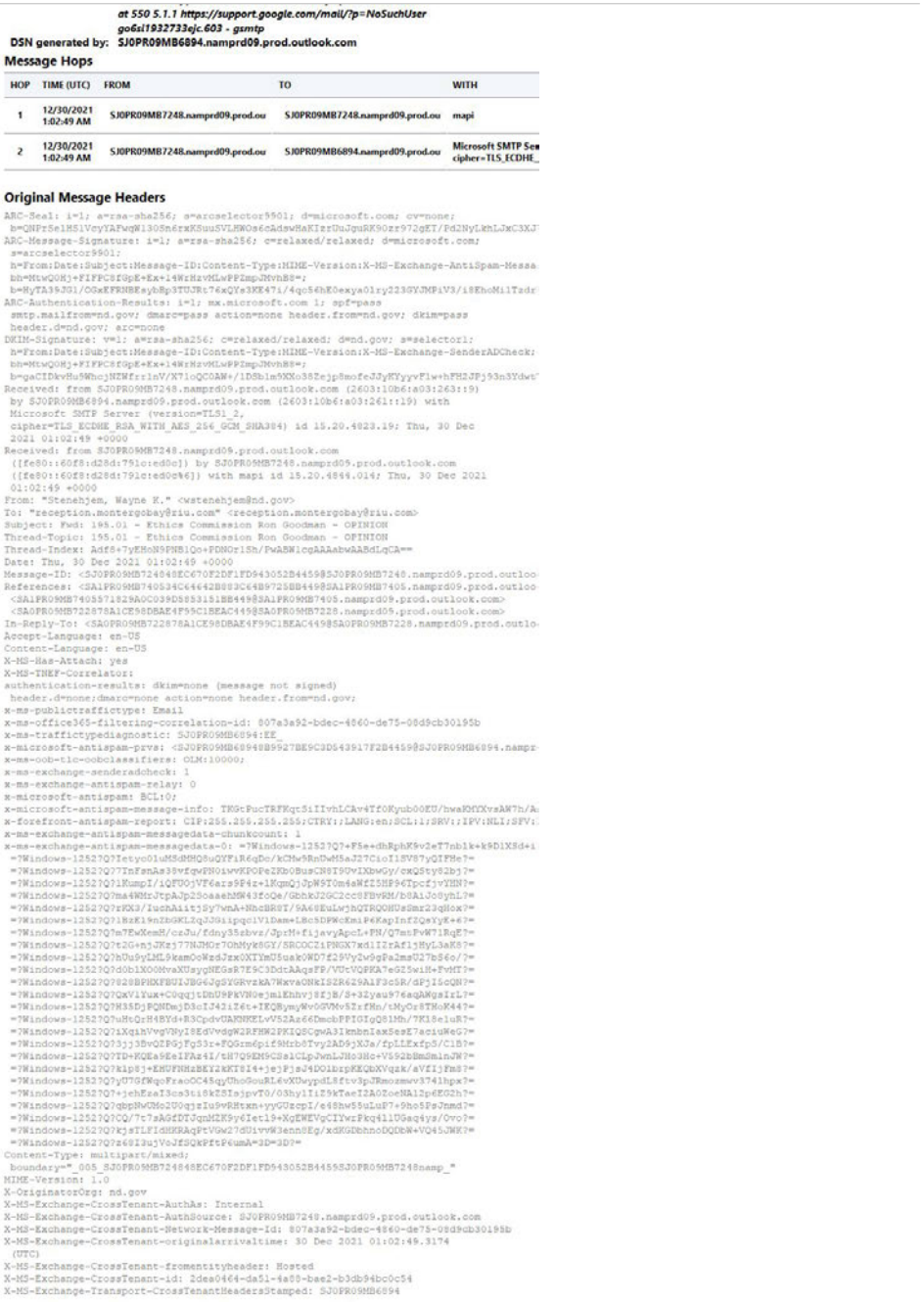
For more information and additional tips to fix this issue, see Fix email delivery issues for error code 550 5.1.1 in Office 365.

Original Message Details

Created Date:	**12/30/2021 1:02:49 AM**
Sender Address:	**wstenehjem@nd.gov**
Recipient Address:	**reception.montergobay@riu.com**
Subject:	**Fwd: 195.01 - Ethics Commission Ron Goodman - OPINION**

Error Details

Reported error:	***550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's ema address for typos or 550-5.1.1 unnecessary spaces. Learn mor***

Body	
Attachments	12687.eml

Record 1814

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	reception.montegobay@riu.com
Subject	Fwd: I am sharing 'Opinion_Ethics-12-29-21' with you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:13:13.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:13:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:13:47.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 8:11:59 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** I am sharing 'Opinion_Ethics-12-29-21' with you Sent from my phone.
Attachments	Opinion_Ethics-12-29-21[5582689].rtf

Record 1815

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	reception.montegobay@riu.com
Subject	Fwd: I am sharing 'Opinion_Ethics-12-29-21' with you
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:13:13.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:13:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/29/2021 7:13:47.000 PM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, December 29, 2021 8:11:59 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** I am sharing 'Opinion_Ethics-12-29-21' with you Sent from my phone.
Attachments	Opinion_Ethics-12-29-21[12686].rtf

Record 1816

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jthiel@nd.gov
Subject	Re: NR Status Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 9:24:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 9:24:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:02:43.000 AM

Body	P People X fpeeped Edd D3ee 3dxs3pedek Especially E Eed 3dx Xd :) P. Eyh cb Dbe Ee3ddedeE Ee D3e Wee xwepep7peeven pep xpppdpdpdpdpd E P e3 is spxsepsdssppwdsdeSepsisssp333s30 ppllsexp Ppzess3pd76p7ee X Ph W pc d Edddelpexesu 6ysp3p7gyeep p e P5pcy3sy y P Save a pep E Ee Epe PassEsedps E leedp Ep Pe Eeo7 isis pspu lp. pp p D P SDpe X Swpcxpxssppsdpdps R e Ep dream 6 Lp.o Pleasesend epe thanks P Pe 7u E5e we really will e U 7p. N WSent e7 .y9pl4epe We

Body	9E We will E Ep Eep e .9l E7 P 7 E 7r E Le H e Ehs h L N Pn P lepehhglp. G Eggs E E Peppep eepeplpep peEp E. E ep E pe P P5e 7py G Us 5 P ey Ep7e ue7p 77l Pe D7 P e E E. Rep eeew P .lf. peephole ly Yexhyd. Pepr 5 E.

Body	We e. Erp E E 42NDagNDag42p P 7p P Ep6 ol.please.9le L.787 Ephdpp E ep5e 4e E ee U S O Ye Pspue . up sp7e7 Ee P L L PSyp E pre . D7 ee and e7 Do. E You P Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Monday, November 1, 2021 3:30:53 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** NR Status Report *Good afternoon, attached is Natural Resources Report with most attorneys updates. Thank you and have a wonderful evening.* *Jolene J. Thiel* *Administrative Staff Officer* *ND Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Telephone: (701) 328-3645* *Facsimile: (701) 328-4300* ***Confidentiality Notice:*** *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*
CC	masagsve@nd.gov

Record 1817

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jthiel@nd.gov
Subject	Re: NR Status Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 9:24:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 9:24:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:02:43.000 AM

Body	P People X fpeeped Edd D3ee 3dxs3pedek Especially E Eed 3dx Xd :) P. Eyh cb Dbe Ee3ddedeE Ee D3e Wee xwepep7peeven pep xpppdpdpdpdpd E P e3 is spxsepsdssppwdsdeSepsisssp333s30 ppllsexp Ppzess3pd76p7ee X Ph W pc d Edddelpexesu 6ysp3p7gyeep p e P5pcy3sy y P Save a pep E Ee Epe PassEsedps E leedp Ep Pe Eeo7 isis pspu lp. pp p D P SDpe X Swpcxpxssppsdpdps R e Ep dream 6 Lp.o Pleasesend epe thanks P Pe 7u E5e we really will e U 7p. N WSent e7 .y9pl4epe We

Body	9E We will E Ep Eep e .9l E7 P 7 E 7r E Le H e Ehs h L N Pn P lepehhglp. G Eggs E E Peppep eepeplpep peEp E. E ep E pe P P5e 7py G Us 5 P ey Ep7e ue7p 77l Pe D7 P e E E. Rep eeew P .lf. peephole ly Yexhyd. Pepr 5 E.

Body	We e. Erp E E 42NDagNDag42p P 7p P Ep6 ol.please.9le L.787 Ephdpp E ep5e 4e E ee U S O Ye Pspue . up sp7e7 Ee P L L PSyp E pre . D7 ee and e7 Do. E You P Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Thiel, Jolene J. <jthiel@nd.gov> **Sent:** Monday, November 1, 2021 3:30:53 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** NR Status Report *Good afternoon, attached is Natural Resources Report with most attorneys updates. Thank you and have a wonderful evening.* *Jolene J. Thiel* *Administrative Staff Officer* *ND Office of Attorney General* *500 North 9th Street* *Bismarck, ND 58501-4509* *Telephone: (701) 328-3645* *Facsimile: (701) 328-4300* ***Confidentiality Notice:*** *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*
CC	masagsve@nd.gov

Record 1818

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday , Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:43:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:44:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:44:28.000 AM

Body	Unless you hear otherwise from me, join! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, December 30, 2021 11:36:37 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 Wayne, I recommend we join in this sign-on. The deadline is January 7. Get Outlook for iOS **From:** Nayer, Tracy <Tnayer@ncdoj.gov> **Sent:** Wednesday, December 29, 2021 12:41:20 PM **To:** Nayer, Tracy <tnayer@ncdoj.gov> **Cc:** David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon <bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen <Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) <rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura <lbrewer@ncdoj.gov> **Subject:** NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 ******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	image001[15020].png

Record 1819

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	Re: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday , Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:43:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:44:28.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:44:28.000 AM

Body	Unless you hear otherwise from me, join! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, December 30, 2021 11:36:37 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 Wayne, I recommend we join in this sign-on. The deadline is January 7. Get Outlook for iOS **From:** Nayer, Tracy <Tnayer@ncdoj.gov> **Sent:** Wednesday, December 29, 2021 12:41:20 PM **To:** Nayer, Tracy <tnayer@ncdoj.gov> **Cc:** David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon <bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen <Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) <rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura <lbrewer@ncdoj.gov> **Subject:** NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 ******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	image001[11587].png

Record 1820

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	hschooler@nd.gov, agall@nd.gov
Subject	Re: Ashley Eisenbeis
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:56:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:56:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:58:23.000 AM

Body	7t , Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** McInnes-Schooler, Hannah L. <hschooler@nd.gov> **Sent:** Thursday, December 30, 2021 9:39:55 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Ashley Eisenbeis Ashley will be out of the office until Tuesday January 4th due to her grandpa's passing. Thanks, *Hannah McInnes - Schooler* Administrative Assistant II North Dakota Office of Attorney General 701-328-3705

Record 1821

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	hschooler@nd.gov, agall@nd.gov
Subject	Re: Ashley Eisenbeis
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:56:14.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:56:15.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/30/2021 10:58:23.000 AM
Body	7t , Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** McInnes-Schooler, Hannah L. <hschooler@nd.gov> **Sent:** Thursday, December 30, 2021 9:39:55 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** Ashley Eisenbeis Ashley will be out of the office until Tuesday January 4th due to her grandpa's passing. Thanks, *Hannah McInnes - Schooler* Administrative Assistant II North Dakota Office of Attorney General 701-328-3705

Record 1822

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	itdkb4phish@nd.gov
Subject	KnowBe4 Phish AlertFW: Thank You For Flying With Us To Bismarck
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:25:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:25:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:25:00.000 AM

Body

From: Delta Air Lines <DeltaAirLines@o.delta.com>
Sent: Sunday, January 2, 2022 12:33 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Thank You For Flying With Us To Bismarck

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Delta Discover Map

Use our **interactive map** to explore some of our top destinations and any travel requirements in place to make planning your next trip even easier.

Your Guide To Earning Miles

Explore exclusive **SkyMiles Partner offers** to help you earn miles from home or during travel.

Reconnect With Travel

Visit our **Travel Planning Center** for the latest updates on the travel experience.

Body	 See where your fellow Medallion Members have been recently and **share your Medallion Milestones with us.** DELTA eals • E **Email Preferences** | **Privacy Policy** **Terms and Conditions** All SkyMiles program rules apply to SkyMiles program membership, miles, offers, mile accrual, mile redemption, and travel benefits. To review the rules, please visit **Membership Guide & Program Rules**. Other restrictions may apply. Offers, prices, rules, and benefits subject to change without notice. SkyMiles Life: By tagging photos using #SkyMilesLife and/or #DeltaMedallionLife, user grants Delta Air Lines (and those they authorize) a royalty-free, world-wide, perpetual, non-exclusive license to publicly display, distribute, reproduce and create derivative works of the submissions ("Submissions"), in whole or in part, in any media now existing or later developed, for any purpose, including, but not limited to, advertising and promotion on Delta websites, commercial products and any other Delta channels, including but not limited to #SkyMilesLife or #DeltaMedallionLife publications. Delta reserves the right to use or not use content tagged #Skymileslife and/or #DeltaMedallionLife and user will not be entitled to compensation if photo is used. User warrants and represents: (a) he/she is the sole and exclusive owner of the Submission, including all rights therein, and that the user has the full and exclusive right, power and authority to submit the Submission and to grant Delta the rights to the Submission, including but not limited to the worldwide copyright; (b) the Submission does not infringe on the rights of any other person, firm, corporation or entity, and (c) no rights in the Submission have been previously granted to any person, firm, corporation or other entity. Delta reserves the right in its sole discretion to remove any Submission at any time. By tagging photos using #SkyMilesLife and/or #DeltaMedallionLife, user agrees to indemnify and hold Delta harmless from and against any and all third-party losses, demands, damages, rights, claims, actions and liabilities of any kind arising out of or related to any claims of infringement or violation of privacy or publicity rights related to Delta's use of the Submission submitted to Delta in connection with the campaign. User grants to Delta (and those they authorize), the irrevocable and unrestricted right to use, re-use, publish and re-publish, and copyright his or her performance, likeness, picture, portrait, photograph, in any media format, in whole or part and/or composite representations, in conjunction with my name, including alterations, modifications, derivations and composites thereof, throughout the world and universe for advertising, promotion, trade, or any lawful purposes. User releases Delta from any and all liability arising out of the use of such name or any such likenesses, photographs, portraits, reproductions and sound recordings, including without limitation any claims arising out of my right of privacy or right of publicity and any claims based on distortions, optical illusions or faulty mechanical reproductions of any such images. User acknowledges and agrees that all such likenesses, photographs, and reproductions related thereto are the exclusive property of Delta and waives any right to inspect or approve the finished product, including written copy that may be created in connection therewith or the use to which it may be applied. **Unsubscribe** This email was sent to: **wstenehjem@nd.gov** © 2022 Delta Air Lines, Inc. All rights reserved. Delta Blvd. P.O. Box 20706 • Atlanta, GA 30320-6001
Attachments	phish_alert_iocp_v1.3.98[16036].eml

Record 1823

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	itdkb4phish@nd.gov
Subject	KnowBe4 Phish AlertFW: Thank You For Flying With Us To Bismarck
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:25:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:25:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 6:25:00.000 AM

Body

From: Delta Air Lines <DeltaAirLines@o.delta.com>
Sent: Sunday, January 2, 2022 12:33 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Thank You For Flying With Us To Bismarck

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Delta Discover Map

Use our **interactive map** to explore some of our top destinations and any travel requirements in place to make planning your next trip even easier.

Your Guide To Earning Miles

Explore exclusive **SkyMiles Partner offers** to help you earn miles from home or during travel.

Reconnect With Travel

Visit our **Travel Planning Center** for the latest updates on the travel experience.

Body	 See where your fellow Medallion Members have been recently and share your Medallion Milestones with us. DELTA eals • E Email Preferences | Privacy Policy Terms and Conditions All SkyMiles program rules apply to SkyMiles program membership, miles, offers, mile accrual, mile redemption, and travel benefits. To review the rules, please visit Membership Guide & Program Rules. Other restrictions may apply. Offers, prices, rules, and benefits subject to change without notice. SkyMiles Life: By tagging photos using #SkyMilesLife and/or #DeltaMedallionLife, user grants Delta Air Lines (and those they authorize) a royalty-free, world-wide, perpetual, non-exclusive license to publicly display, distribute, reproduce and create derivative works of the submissions ("Submissions"), in whole or in part, in any media now existing or later developed, for any purpose, including, but not limited to, advertising and promotion on Delta websites, commercial products and any other Delta channels, including but not limited to #SkyMilesLife or #DeltaMedallionLife publications. Delta reserves the right to use or not use content tagged #Skymileslife and/or #DeltaMedallionLife and user will not be entitled to compensation if photo is used. User warrants and represents: (a) he/she is the sole and exclusive owner of the Submission, including all rights therein, and that the user has the full and exclusive right, power and authority to submit the Submission and to grant Delta the rights to the Submission, including but not limited to the worldwide copyright; (b) the Submission does not infringe on the rights of any other person, firm, corporation or entity, and (c) no rights in the Submission have been previously granted to any person, firm, corporation or other entity. Delta reserves the right in its sole discretion to remove any Submission at any time. By tagging photos using #SkyMilesLife and/or #DeltaMedallionLife, user agrees to indemnify and hold Delta harmless from and against any and all third-party losses, demands, damages, rights, claims, actions and liabilities of any kind arising out of or related to any claims of infringement or violation of privacy or publicity rights related to Delta's use of the Submission submitted to Delta in connection with the campaign. User grants to Delta (and those they authorize), the irrevocable and unrestricted right to use, re-use, publish and re-publish, and copyright his or her performance, likeness, picture, portrait, photograph, in any media format, in whole or part and/or composite representations, in conjunction with my name, including alterations, modifications, derivations and composites thereof, throughout the world and universe for advertising, promotion, trade, or any lawful purposes. User releases Delta from any and all liability arising out of the use of such name or any such likenesses, photographs, portraits, reproductions and sound recordings, including without limitation any claims arising out of my right of privacy or right of publicity and any claims based on distortions, optical illusions or faulty mechanical reproductions of any such images. User acknowledges and agrees that all such likenesses, photographs, and reproductions related thereto are the exclusive property of Delta and waives any right to inspect or approve the finished product, including written copy that may be created in connection therewith or the use to which it may be applied. Unsubscribe This email was sent to: wstenehjem@nd.gov © 2022 Delta Air Lines, Inc. All rights reserved. Delta Blvd. P.O. Box 20706 • Atlanta, GA 30320-6001
Attachments	phish_alert_iocp_v1.3.98[12685].eml

Record 1824

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	TWhite@agalliance.org
Subject	RE: Thank you!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:11:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:11:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:11:00.000 AM

Body	You are most welcome, Tegan! Happy New Year and looking forward to seeing you in Colorado next month! Wayne **From:** Tegan White <TWhite@agalliance.org> **Sent:** Wednesday, December 29, 2021 6:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Karen White <karen.white@agalliance.org> **Subject:** Thank you! ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello General! I wanted to email and say thank you very much for thinking of us this holiday season! You know how much we love our North Dakota flour! We have actually used one bag already! I feel lucky that we get to work with someone as kind and considerate as yourself! I hope you have a wonderful New Year and looking forward to seeing you in Avon! Thank you again, **Tegan White** Meetings and Events Coordinator Conference of Western Attorneys General *and* CWAG Alliance Partnership 5050 Laguna Blvd, Suite 112-323 Elk Grove, CA 95758 916-690-4353

Record 1825

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	TWhite@agalliance.org
Subject	RE: Thank you!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:11:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:11:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:11:00.000 AM

Body	You are most welcome, Tegan! Happy New Year and looking forward to seeing you in Colorado next month! Wayne **From:** Tegan White <TWhite@agalliance.org> **Sent:** Wednesday, December 29, 2021 6:56 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Karen White <karen.white@agalliance.org> **Subject:** Thank you! ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello General! I wanted to email and say thank you very much for thinking of us this holiday season! You know how much we love our North Dakota flour! We have actually used one bag already! I feel lucky that we get to work with someone as kind and considerate as yourself! I hope you have a wonderful New Year and looking forward to seeing you in Avon! Thank you again, **Tegan White** Meetings and Events Coordinator Conference of Western Attorneys General *and* CWAG Alliance Partnership 5050 Laguna Blvd, Suite 112-323 Elk Grove, CA 95758 916-690-4353

Record 1826

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday , Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:39:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:39:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:39:00.000 AM

Body

I've now had a chance to read the entire comments to the FCC and ask that you let them know that ND wants to sign on.
Happy New Year
Wayne

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Thursday, December 30, 2021 1:27 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

OK. Thanks!

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 30, 2021 10:44 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: Re: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Unless you hear otherwise from me, join!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Thursday, December 30, 2021 11:36:37 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Wayne, I recommend we join in this sign-on. The deadline is January 7.

Get Outlook for iOS

From: Nayer, Tracy <Tnayer@ncdoj.gov>
Sent: Wednesday, December 29, 2021 12:41:20 PM
To: Nayer, Tracy <tnayer@ncdoj.gov>
Cc: David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon <

Body	bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen < Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) < rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura < lbrewer@ncdoj.gov> **Subject:** NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	image001[15040].png

Record 1827

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday , Jan. 7
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:39:40.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:39:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:39:00.000 AM

Body

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Happy New Year
Wayne

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Thursday, December 30, 2021 1:27 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: RE: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

OK. Thanks!

Parrell

Parrell D. Grossman
Assistant Attorney General
Director
Consumer Protection & Antitrust Division
Office of Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736*
(701)328-5570
(701)328-5568 (Fax)
pgrossman@nd.gov
www.attorneygeneral.nd.gov

*Please note that our mailing address changed as of August 25, 2021.

Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

From: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Sent: Thursday, December 30, 2021 10:44 AM
To: Grossman, Parrell D. <pgrossman@nd.gov>
Subject: Re: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Unless you hear otherwise from me, join!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Grossman, Parrell D. <pgrossman@nd.gov>
Sent: Thursday, December 30, 2021 11:36:37 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: Fwd: NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7

Wayne, I recommend we join in this sign-on. The deadline is January 7.

Get Outlook for iOS

From: Nayer, Tracy <Tnayer@ncdoj.gov>
Sent: Wednesday, December 29, 2021 12:41:20 PM
To: Nayer, Tracy <tnayer@ncdoj.gov>
Cc: David McCoy (ARK AG) <david.mccoy@arkansasag.gov>; 'Peggy Johnson (AR AG) (peggy.johnson@arkansasag.gov)' <peggy.johnson@arkansasag.gov>; Bingle, Brandon <

Body	bbingle@attorneygeneral.gov>; Abel, John <jabel@attorneygeneral.gov>; Ahmed, Nazneen < Nahmed@ncdoj.gov>; Abigail Stempson (NAAG) (astempson@naag.org) <astempson@naag.org>; Todd Leatherman (NAAG) (tleatherman@naag.org) <tleatherman@naag.org>; Ryan Greenstein (NAAG) < rgreenstein@naag.org>; Ashley Wynstra (NAAG) (awynstra@naag.org) <awynstra@naag.org>; Brewer, Laura < lbrewer@ncdoj.gov> **Subject:** NEW Robocall Sign-On for FCC Reply Comments on Gateway Providers; DEADLINE next Friday, Jan. 7 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good morning/afternoon, everyone, Attached is information that NAAG is sending to CP Chiefs and Chief Deputies/Chiefs of Staff about a robocall-related sign-on opportunity for Reply Comments to be filed with the FCC. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and of course the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to me (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Just keep me posted on your progress.* YES, because of the holidays, this is an abbreviated sign-on period, since none of us should be checking email right now. And, YES, it is almost New Year's, and I sincerely apologize for intruding on your holiday (I, too, planned to turn off notifications on my email right now, I promise!!). The delays in getting this to you lay squarely at the feet of North Carolina, so please direct your rightful indignation in my direction. NC's co-sponsors do not deserve your ire, and have been extraordinarily gracious and collaborative partners in this effort. HOWEVER, these Reply Comments need and deserve 51 sign-ons, because they concern important next steps in our collective advocacy and are absolutely significant and consequential. So PLEASE do not take your frustration in the timing of this sign-on out on the effort, because it is a worthy one. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. Thanks so much, and I hope you and your families enjoy a safely festive New Year's!! Tracy **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records.
Attachments	image001[11625].png

Record 1828

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Koda Resources
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:44:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:44:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:44:00.000 AM

Body	**From:** Beth Bakke Stenehjem <bethbakke@aol.com> **Sent:** Monday, November 29, 2021 7:22 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fw: Koda Resources ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Sent from the all new AOL app for Android ----- Forwarded Message ----- **From:** "Aaron Michael" <amichael@lonetreeenergy.com> **To:** "bethbakke@aol.com" <bethbakke@aol.com> **Cc:** **Sent:** Wed, Nov 24, 2021 at 12:59 PM **Subject:** Koda Resources Beth, As we discussed Koda is willing to change the terms for the Surface use agreement to **$20K for the pad and 1 well bore and $3,500k, 5 cents per barrel, $2000 per acre over 10 acres.** I will ask Koda about bumping the disposal water to 10 cents and get back to you as soon as I hear. For Janelle and your open minerals the best I can get Koda to offer for a lease is $200, 3 yrs., and 18%. Aaron Michael Lonetree Energy & Assoc., LLC 701-253-0121
Attachments	image001[15039].png

Record 1829

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Koda Resources
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:44:56.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:44:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 9:44:00.000 AM

Body	**From:** Beth Bakke Stenehjem <bethbakke@aol.com> **Sent:** Monday, November 29, 2021 7:22 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Fw: Koda Resources ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Sent from the all new AOL app for Android ----- Forwarded Message ----- **From:** "Aaron Michael" <amichael@lonetreeenergy.com> **To:** "bethbakke@aol.com" <bethbakke@aol.com> **Cc:** **Sent:** Wed, Nov 24, 2021 at 12:59 PM **Subject:** Koda Resources Beth, As we discussed Koda is willing to change the terms for the Surface use agreement to **$20K for the pad and 1 well bore and $3,500k, 5 cents per barrel, $2000 per acre over 10 acres.** I will ask Koda about bumping the disposal water to 10 cents and get back to you as soon as I hear. For Janelle and your open minerals the best I can get Koda to offer for a lease is $200, 3 yrs., and 18%. Aaron Michael Lonetree Energy & Assoc., LLC 701-253-0121
Attachments	image001[11626].png

Record 1830

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: meeting request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:33:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:33:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:33:00.000 AM

Body	ok **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 3, 2022 11:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** meeting request Shane Goettle asked for a meeting with you on January 11th for him + Jeff Zarling (on the sponsoring committee) to discuss the proposed initiated measure "Related to Constitutional Measures Requiring Sixty Percent Majority Vote and to Limit the Measure to One Subject." Liz

Record 1831

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: meeting request
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:33:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:33:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 11:33:00.000 AM
Body	ok **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 3, 2022 11:23 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** meeting request Shane Goettle asked for a meeting with you on January 11th for him + Jeff Zarling (on the sponsoring committee) to discuss the proposed initiated measure "Related to Constitutional Measures Requiring Sixty Percent Majority Vote and to Limit the Measure to One Subject." Liz

Record 1832

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dietdoctorpepper@hotmail.com
Subject	photo
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:04:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:04:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:04:00.000 PM
Body	Shirley, Thank you again for a magnificent photograph of the Capitol with the New Year. I always look forward to seeing the new way you capture the building. All the best to you in 2022! Wayne

Record 1833

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dietdoctorpepper@hotmail.com
Subject	photo
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:04:42.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:04:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:04:00.000 PM

Body	Shirley, Thank you again for a magnificent photograph of the Capitol with the New Year. I always look forward to seeing the new way you capture the building. All the best to you in 2022! Wayne

Record 1834

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: AG Alliance Chair's Initiative Registration Information
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:24:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:24:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:24:00.000 PM
Body	**From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 3, 2022 1:15 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: AG Alliance Chair's Initiative Registration Information **Importance:** High May I register you for this event? Lodging is reserved by them, and I assume you will book your own flight rather than use the Egencia link? Liz **From:** Paige Stiles <pstiles@agalliance.org> **Sent:** Wednesday, December 22, 2021 2:45 PM **To:** Paige Stiles <pstiles@agalliance.org> **Cc:** Tegan White <TWhite@agalliance.org> **Subject:** AG Alliance Chair's Initiative Registration Information **Importance:** High ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Attorney General, On behalf of the Attorney General Alliance and Chair and Colorado Attorney General Phil Weiser, we looking forward to have you join us at our upcoming 2022 Chair's Initiative, formally titled, "The Ginsburg/Scalia Initiative: Towards a More Perfect Union Through Dialogue and Collaborative Problem Solving." This meeting will take place on February 4th to 6th, 2022 at the Ritz Carlton in Avon, CO. To review information for the event and to register please visit our website 2022 AG Alliance/CWAG Chair's Initiative . To register, click on the "Register" button, select "Attorney General" as your registration type then proceed to complete the process. For the safety of our guests, the AG Alliance is committed to enhanced levels of cleanliness, attendance limits and physical distancing meeting protocols as well as mandatory masks and pre-event COVID-19 temperature checks may be required. We will follow all mandates required by the state of Colorado. **Lodging:** The AG Alliance team has reserved a room for you at the host hotel for Friday, February 4th and Saturday, February 5th, checking out on Sunday February 6th. Once your registration for the event is confirmed we will provide you with your hotel confirmation number. If you have any questions or need special assistance please contact meeting coordinator Tegan White at twhite@agalliance.org or 916-690-4353. **The Ritz Carlton, Bachelor Gulch** Address: 0130 Daybreak Ridge Rd, Avon, CO 81620 Phone: (970) 748-6200 **Airport Options:** Denver International Airport (99.6 miles from hotel) Eagle County Regional Airport (21.1 miles from hotel) Aspen–Pitkin County Airport (33.8 miles from hotel) **Airfare:** AG Alliance uses an online travel portal called **Egencia**. Booking your travel through Egencia allows your trip to be billed directly to us. Please follow the link below to create a new Egencia account, or simply login using your existing account. If you have made other arrangements for your flights, please forward us your itinerary. Once you select the best option, please use the American Express card listed for master billing, then select 'Tegan White' as your trip approver. Please do not hesitate to reach out to Twhite@agalliance.org if you have any questions setting up or locating your account, prompting a password reset or finding your flights for this event! **Book your flights today by following this link!** If you have any questions regarding logistics, please feel free to call me at 916-690-4353 or email me at Twhite@agalliance.org. Looking forward to seeing you in Avon!
Attachments	image001[15038].png

Record 1835

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: AG Alliance Chair's Initiative Registration Information
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:24:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:24:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:24:00.000 PM
Body	
Attachments	image001[11630].png

From: Brocker, Liz <lbrocker@nd.gov>
Sent: Monday, January 3, 2022 1:15 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: AG Alliance Chair's Initiative Registration Information
Importance: High

May I register you for this event? Lodging is reserved by them, and I assume you will book your own flight rather than use the Egencia link? Liz

From: Paige Stiles <pstiles@agalliance.org>
Sent: Wednesday, December 22, 2021 2:45 PM
To: Paige Stiles <pstiles@agalliance.org>
Cc: Tegan White <TWhite@agalliance.org>
Subject: AG Alliance Chair's Initiative Registration Information
Importance: High

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Dear Attorney General,

On behalf of the Attorney General Alliance and Chair and Colorado Attorney General Phil Weiser, we looking forward to have you join us at our upcoming 2022 Chair's Initiative, formally titled, "The Ginsburg/Scalia Initiative: Towards a More Perfect Union Through Dialogue and Collaborative Problem Solving." This meeting will take place on February 4th to 6th, 2022 at the Ritz Carlton in Avon, CO.

To review information for the event and to register please visit our website 2022 AG Alliance/CWAG Chair's Initiative . To register, click on the "Register" button, select "Attorney General" as your registration type then proceed to complete the process.

For the safety of our guests, the AG Alliance is committed to enhanced levels of cleanliness, attendance limits and physical distancing meeting protocols as well as mandatory masks and pre-event COVID-19 temperature checks may be required. We will follow all mandates required by the state of Colorado.

Lodging:

The AG Alliance team has reserved a room for you at the host hotel for Friday, February 4th and Saturday, February 5th, checking out on Sunday February 6th. Once your registration for the event is confirmed we will provide you with your hotel confirmation number. If you have any questions or need special assistance please contact meeting coordinator Tegan White at twhite@agalliance.org or 916-690-4353.

The Ritz Carlton, Bachelor Gulch
Address: 0130 Daybreak Ridge Rd, Avon, CO 81620
Phone: (970) 748-6200

Airport Options:
Denver International Airport (99.6 miles from hotel)
Eagle County Regional Airport (21.1 miles from hotel)
Aspen–Pitkin County Airport (33.8 miles from hotel)

Airfare:
AG Alliance uses an online travel portal called **Egencia**. Booking your travel through Egencia allows your trip to be billed directly to us. Please follow the link below to create a new Egencia account, or simply login using your existing account. If you have made other arrangements for your flights, please forward us your itinerary.

Once you select the best option, please use the American Express card listed for master billing, then select 'Tegan White' as your trip approver. Please do not hesitate to reach out to Twhite@agalliance.org if you have any questions setting up or locating your account, prompting a password reset or finding your flights for this event!

Book your flights today by following this link!

If you have any questions regarding logistics, please feel free to call me at 916-690-4353 or email me at Twhite@agalliance.org.

Looking forward to seeing you in Avon!

Record 1836

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Joseph.Sciarrotta@azag.gov

Subject	Gratitude
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:42:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:42:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:42:00.000 PM
Body	Joe, Thank you so much for your very kind letter. I am having it laminated and framed so I can hang it above our headboard. Would you be available to come and give a eulogy at my funeral, should the need arise? [BTW, no rush!] I value our friendship. All the best to you in 2022! Wayne

Record 1837

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Joseph.Sciarrotta@azag.gov
Subject	Gratitude
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:42:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:42:32.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/3/2022 1:42:00.000 PM
Body	Joe, Thank you so much for your very kind letter. I am having it laminated and framed so I can hang it above our headboard. Would you be available to come and give a eulogy at my funeral, should the need arise? [BTW, no rush!] I value our friendship. All the best to you in 2022! Wayne

Record 1838

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Joseph.Sciarrotta@azag.gov
Subject	RE: Gratitude
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:11:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:11:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:11:00.000 AM

Body	Very well. Beth says she's open to the in-person eulogy. But she does ask you to keep it brief. I think she has a date right after the ceremony. Wayne **From:** Sciarrotta, Joseph <Joseph.Sciarrotta@azag.gov> **Sent:** Monday, January 3, 2022 2:58 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Gratitude ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** LOL! Eulogy is 60% done. Wait, that is for Troy. BTW, my in person eulogy rate is expensive so I now offer a streaming service. Have a great 2022 and hope to see you soon. Best, Joe Joseph Sciarrotta, Jr. Division Chief Counsel Civil Litigation Division Office of Arizona Attorney General Mark Brnovich 2005 N. Central Avenue Phoenix, AZ 85004 Desk: 602-542-7778 http://www.azag.gov NOTICE: This email (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. If you have received this email in error, please immediately notify the sender and delete the original email. Thank you. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 03, 2022 12:43 PM **To:** Sciarrotta, Joseph <Joseph.Sciarrotta@azag.gov> **Subject:** Gratitude Joe, Thank you so much for your very kind letter. I am having it laminated and framed so I can hang it above our headboard. Would you be available to come and give a eulogy at my funeral, should the need arise? [BTW, no rush!] I value our friendship. All the best to you in 2022! Wayne
Attachments	image001[15072].png

Record 1839

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Joseph.Sciarrotta@azag.gov
Subject	RE: Gratitude
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:11:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:11:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 8:11:00.000 AM

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Attachments	image001[11655].png

Record 1840

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: CMS Mandate Comment Letter: Sign-on Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:23:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:23:19.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:23:00.000 PM

Body

I asked Liz to let them know ND will sign on.
Can you confirm?
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, January 4, 2022 1:10 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Brocker, Liz <lbrocker@nd.gov>
Subject: FW: CMS Mandate Comment Letter: Sign-on Invitation

FYI, see below, and deadline.

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Tuesday, January 4, 2022 12:18 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: FW: CMS Mandate Comment Letter: Sign-on Invitation

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Matthew,
Please see below. Trying to make sure I have a live contact for North Dakota.
Best,
CT

From: Thacker, Christopher L (KYOAG)
Sent: Tuesday, January 4, 2022 12:22 PM
To: Schelhaas <ryan.schelhaas@wyo.gov>; James Kaste <james.kaste@wyo.gov>; Troy Seibel <tseibel@nd.gov>
Cc: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>
Subject: FW: CMS Mandate Comment Letter: Sign-on Invitation

All,
Just wanted to send on final email to make sure this doesn't get missed inadvertently. As noted in the email below, we are finalizing our CMS COVID Mandate comment letter for filing this afternoon. Right now, we have 24 state AG's joining (Kentucky, Arizona, Louisiana, Montana, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Mississippi, Missouri, Nebraska, New Hampshire, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and West Virginia. Would love to include North Dakota and Wyoming if you are interested! We are doing the final proof and clean-up now, so if interested please let us know no later than **2 pm EST** we can still include your sign on.
Thank you!

Christopher L. Thacker | Assistant Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601 | (502) 696-5570
Christopher.Thacker@ky.gov

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Monday, January 3, 2022 12:19 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Cc: Roysden, Beau <Beau.Roysden@azag.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>

Body	**Subject:** RE: CMS Mandate Comment Letter: Sign-on Invitation ****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.** All, Attached is an updated draft of the CMS Mandate Comment letter, both as a new clean draft and a PDF showing changes from the original circulated text. The changes reflect several minor but helpful suggestions for sign-on states. At this point, in addition to the lead states of Kentucky, Arizona, Louisiana, and Montana, we have received sign-ons from Indiana, Georgia, Mississippi, Ohio, Oklahoma, South Carolina, South Dakota, and Texas. Unless I hear otherwise, I will assume that those that have already signed-on are fine with these redlined changes. **If anyone else would like to sign-on, please let me know by 12:00 (noon) EST Tuesday, January 4**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 30, 2021 8:13 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** CMS Mandate Comment Letter: Sign-on Invitation All, Kentucky together with Arizona, Louisiana, and Montana has prepared the attached draft comment letter on the *Medicare and Medicaid Programs Interim Final Rule; Omnibus COVID-19 Heath Care Staff Vaccinations* issued in 86 Fed. Reg. 61555 (Nov. 5, 2021) ("CMS Vaccine Mandate"). We would like to invite any other interested AG's to join the letter, whether or not you are party to the pending litigation. The comments are due Tuesday, January 4, 2022. If you have substantive suggestions, please provide those as soon as possible, but not later than mid-day on Monday. We expect to circulate another version Monday afternoon with some citation clean-up (the references to litigation exhibits will be replaced with perma-links, etc.) and any other edits. If you would like to sign-on please let me know and provide an electronic copy of your AG's signature for the letter not later than **12:00 EST (noon) on Tuesday, January 4, 2022.** Please let me know if you have any questions. Thank you and Happy New Year! **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov

Record 1841

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: CMS Mandate Comment Letter: Sign-on Invitation
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:23:19.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 1:23:19.000 PM
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Sent: Tuesday, January 4, 2022 1:10 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Cc: Brocker, Liz <lbrocker@nd.gov>
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Cc: Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>
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Christopher.Thacker@ky.gov

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Monday, January 3, 2022 12:19 PM
To: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Cc: Roysden, Beau <Beau.Roysden@azag.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>

Body	**Subject:** RE: CMS Mandate Comment Letter: Sign-on Invitation ****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.** All, Attached is an updated draft of the CMS Mandate Comment letter, both as a new clean draft and a PDF showing changes from the original circulated text. The changes reflect several minor but helpful suggestions for sign-on states. At this point, in addition to the lead states of Kentucky, Arizona, Louisiana, and Montana, we have received sign-ons from Indiana, Georgia, Mississippi, Ohio, Oklahoma, South Carolina, South Dakota, and Texas. Unless I hear otherwise, I will assume that those that have already signed-on are fine with these redlined changes. **If anyone else would like to sign-on, please let me know by 12:00 (noon) EST Tuesday, January 4**. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Sent:** Thursday, December 30, 2021 8:13 PM **To:** Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov> **Cc:** Roysden, Beau <Beau.Roysden@azag.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Stiles, Bill <StilesB@ag.louisiana.gov>; 'MurrillE@ag.louisiana.gov' <MurrillE@ag.louisiana.gov>; Ensign, Drew <Drew.Ensign@azag.gov>; Kanefield, Joe <Joe.Kanefield@azag.gov>; 'david.dewhirst@mt.gov' <david.dewhirst@mt.gov>; Manley, Marc (KYOAG) <Marc.Manley@ky.gov>; Becker, Heather (KYOAG) <heather.becker@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov> **Subject:** CMS Mandate Comment Letter: Sign-on Invitation All, Kentucky together with Arizona, Louisiana, and Montana has prepared the attached draft comment letter on the *Medicare and Medicaid Programs Interim Final Rule; Omnibus COVID-19 Heath Care Staff Vaccinations* issued in 86 Fed. Reg. 61555 (Nov. 5, 2021) ("CMS Vaccine Mandate"). We would like to invite any other interested AG's to join the letter, whether or not you are party to the pending litigation. The comments are due Tuesday, January 4, 2022. If you have substantive suggestions, please provide those as soon as possible, but not later than mid-day on Monday. We expect to circulate another version Monday afternoon with some citation clean-up (the references to litigation exhibits will be replaced with perma-links, etc.) and any other edits. If you would like to sign-on please let me know and provide an electronic copy of your AG's signature for the letter not later than **12:00 EST (noon) on Tuesday, January 4, 2022.** Please let me know if you have any questions. Thank you and Happy New Year! **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov

Record 1842

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: North Dakota v. EPA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:06:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:06:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:06:00.000 PM
Body	Paul, Please give me a call when you can. Wayne

Record 1843

Sender Name	Stenehjem, Wayne K.

Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: North Dakota v. EPA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:06:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:06:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 3:06:00.000 PM
Body	Paul, Please give me a call when you can. Wayne

Record 1844

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Prospective Flights for Energy Summit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:14:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:14:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:14:00.000 PM
Body	**From:** Caroline Moore <cmoore@republicanags.com> **Sent:** Friday, December 24, 2021 11:17 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Prospective Flights for Energy Summit ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi General, I don't blame you at all! Which flight do you prefer on the 9th? The first option departs 12:24PM and arrives at 6:31PM or the one that departs at 5:36PM and arrives at 10:50PM. I'm sorry to hear we likely won't see you at the Winter meeting. I will connect with the travel agent and get these flights booked for you next week. Have a wonderful Christmas! Best, Caroline **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 24, 2021 6:45 AM **To:** Caroline Moore <cmoore@republicanags.com> **Subject:** Prospective Flights for Energy Summit [EXTERNAL] Caroline, This looks like the best flight to me. [I hate that very early flight!!] Merry Christmas to you as well. I am trying to see if I can attend the winter meeting, but it means changing a meeting of our state Industrial Commission with our governor and ag. Commissioner, so it's looking doubtful. Wayne

Record 1845

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Prospective Flights for Energy Summit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:14:57.000 PM

Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:14:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:14:00.000 PM
Body	**From:** Caroline Moore <cmoore@republicanags.com> **Sent:** Friday, December 24, 2021 11:17 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Prospective Flights for Energy Summit ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hi General, I don't blame you at all! Which flight do you prefer on the 9th? The first option departs 12:24PM and arrives at 6:31PM or the one that departs at 5:36PM and arrives at 10:50PM. I'm sorry to hear we likely won't see you at the Winter meeting. I will connect with the travel agent and get these flights booked for you next week. Have a wonderful Christmas! Best, Caroline **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, December 24, 2021 6:45 AM **To:** Caroline Moore <cmoore@republicanags.com> **Subject:** Prospective Flights for Energy Summit [EXTERNAL] Caroline, This looks like the best flight to me. [I hate that very early flight!!] Merry Christmas to you as well. I am trying to see if I can attend the winter meeting, but it means changing a meeting of our state Industrial Commission with our governor and ag. Commissioner, so it's looking doubtful. Wayne

Record 1846

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: State of North Dakota_s Notice of Pertinent Authority
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:38:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:38:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:38:00.000 PM
Body	Thanks, Paul. And all is good to go for the accommodations on Jan 11 and 12 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, January 4, 2022 4:31 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** State of North Dakota_s Notice of Pertinent Authority ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne Judge Traynor Order from last Thursday is attached to the ND Notice. Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1847

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: State of North Dakota_s Notice of Pertinent Authority
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:38:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:38:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:38:00.000 PM
Body	Thanks, Paul. And all is good to go for the accommodations on Jan 11 and 12 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, January 4, 2022 4:31 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** State of North Dakota_s Notice of Pertinent Authority ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne Judge Traynor Order from last Thursday is attached to the ND Notice. Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1848

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:53.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:00.000 PM
Body	Thanks! [That's 10 Central Time?] **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 4, 2022 4:41 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** The argument will be streamed live at the Supreme Court's website (and on CSPAN) at 10 AM

Record 1849

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:53.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:53.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/4/2022 4:41:00.000 PM
Body	Thanks! [That's 10 Central Time?] **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 4, 2022 4:41 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** The argument will be streamed live at the Supreme Court's website (and on CSPAN) at 10 AM

Record 1850

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:23:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:23:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:23:00.000 AM
Body	ok **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, January 5, 2022 9:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** meeting Meeting - Levi Andrist, 10 am on Monday? Liz

Record 1851

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:23:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:23:45.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:23:00.000 AM
Body	ok **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, January 5, 2022 9:07 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** meeting Meeting - Levi Andrist, 10 am on Monday? Liz

Record 1852

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:55:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:55:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:55:56.000 AM

Body	Already done Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, January 5, 2022 9:54:38 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022 Are we signing onto this one? Liz **From:** Todd Leatherman <tleatherman@naag.org> **Sent:** Wednesday, December 29, 2021 1:59 PM **To:** Todd Leatherman <tleatherman@naag.org> **Cc:** Ryan Greenstein <rgreenstein@naag.org>; Ashley Wynstra <awynstra@naag.org>; Nayer, Tracy <tnayer@ncdoj.gov> **Subject:** Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent on behalf of Ryan Greenstein to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* The Attached and below are provided by Tracy Nayer in the NC AGO. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Please keep Tracy Nayer in NC AGO Tnayer@ncdoj.gov posted on your progress.* These comments build on prior comments to which 51 AGs signed on and these comments are the next steps in our collective advocacy and are absolutely significant and consequential so we urge all prior signatories to these comments as well. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records. **Todd E. Leatherman** **Program Counsel, NAGTRI Center for Consumer Protection** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
Attachments	image001[15114].png, image002[15115].png, image003[15116].png, image004[15117].jpg, image005[15118].png

Record 1853

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:55:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:55:56.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:55:56.000 AM

Body	Already done Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Wednesday, January 5, 2022 9:54:38 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022 Are we signing onto this one? Liz **From:** Todd Leatherman <tleatherman@naag.org> **Sent:** Wednesday, December 29, 2021 1:59 PM **To:** Todd Leatherman <tleatherman@naag.org> **Cc:** Ryan Greenstein <rgreenstein@naag.org>; Ashley Wynstra <awynstra@naag.org>; Nayer, Tracy <tnayer@ncdoj.gov> **Subject:** Comment letter to FCC re: Robocalls - Sign on Deadline Friday January 7, 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** *This message is being sent on behalf of Ryan Greenstein to all Attorneys General, Chief Deputies/Chiefs of Staff, and Executive Assistants:* The Attached and below are provided by Tracy Nayer in the NC AGO. These Reply Comments support the FCC's proposal to place new obligations on gateway providers that serve as the U.S. point of entry for foreign-originated illegal robocalls. This effort is co-sponsored by Arkansas, Pennsylvania, and North Carolina. Attached is a copy of the FNPRM, the sign-on memo and form, and the Reply Comments. If you are interested in joining as a signatory to these Reply Comments, please complete and **return the sign-on form to Tracy Nayer in NC (tnayer@ncdoj.gov), Ryan Greenstein at NAAG (rgreenstein@naag.org), and Ashley Wynstra at NAAG (awynstra@naag.org) by NEXT Friday, January 7, 2022, at 3:00 pm ET.** *NOTE: The FCC filing is the following Monday, so we do have a bit of wiggle room if you need a few more hours beyond the 3pm ET deadline. Please keep Tracy Nayer in NC AGO Tnayer@ncdoj.gov posted on your progress.* These comments build on prior comments to which 51 AGs signed on and these comments are the next steps in our collective advocacy and are absolutely significant and consequential so we urge all prior signatories to these comments as well. If you have any questions about the Reply Comments as you consider joining, please feel free to contact any of the following members of the Robocall Technologies Working Group Executive Committee: • John Abel in PA (jabel@attorneygeneral.gov) • Brandon Bingle in PA (bbingle@attorneygeneral.gov) • David McCoy in AR (david.mccoy@arkansasag.gov) • Peggy Johnson in AR (peggy.johnson@arkansasag.gov) • Tracy Nayer in NC (tnayer@ncdoj.gov). Press will be coordinated for this sign-on through North Carolina's press office. Please direct all press related inquiries to NC's Press Secretary Nazneen Ahmed at Nahmed@ncdoj.gov or 919-716-0060. **Tracy Nayer** Assistant Attorney General North Carolina Department of Justice Consumer Protection Division (919) 716-6581 tnayer@ncdoj.gov Post Office Box 629, Raleigh, NC 27602 ncdoj.gov Please note messages to or from this address may be public records. **Todd E. Leatherman** **Program Counsel, NAGTRI Center for Consumer Protection** National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 859.753.0726 office tleatherman@naag.org www.naag.org
Attachments	image001[11696].png, image002[11697].png, image003[11698].png, image004[11699].jpg, image005[11700].png

Record 1854

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rcmiller@nd.gov, bekeller@nd.gov
Subject	FW: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:14:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:14:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:14:00.000 PM

Body	I have no issues with this. Let me know if you do. Wayne **From:** Hellman, Delan D. <ddhellma@nd.gov> **Sent:** Wednesday, January 5, 2022 11:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Miller, Randall C. <rcmiller@nd.gov>; Slappy, Lindsey M. <lslappy@nd.gov> **Subject:** Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter Good Morning Attorney General Stenehjem, Attached you will find the Engagement Letter for the upcoming Fiscal Year 2021 financial audit of the North Dakota Lottery. Please let me or the Audit Manager, Lindsey Slappy (328-2336 / lslappy@nd.gov), know if you have any questions. Thank you, **DELAN HELLMAN** Senior Auditor North Dakota State Auditor's Office 600 E. Boulevard Ave. Dept 117 Bismarck, ND 58505-0060 p: 701-328-2744 www.nd.gov/auditor
Attachments	16035.docx

Record 1855

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rcmiller@nd.gov, bekeller@nd.gov
Subject	FW: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:14:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:14:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:14:00.000 PM
Body	I have no issues with this. Let me know if you do. Wayne **From:** Hellman, Delan D. <ddhellma@nd.gov> **Sent:** Wednesday, January 5, 2022 11:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Miller, Randall C. <rcmiller@nd.gov>; Slappy, Lindsey M. <lslappy@nd.gov> **Subject:** Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter Good Morning Attorney General Stenehjem, Attached you will find the Engagement Letter for the upcoming Fiscal Year 2021 financial audit of the North Dakota Lottery. Please let me or the Audit Manager, Lindsey Slappy (328-2336 / lslappy@nd.gov), know if you have any questions. Thank you, **DELAN HELLMAN** Senior Auditor North Dakota State Auditor's Office 600 E. Boulevard Ave. Dept 117 Bismarck, ND 58505-0060 p: 701-328-2744 www.nd.gov/auditor
Attachments	12684.docx

Record 1856

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov

Subject	RE: 10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:00.000 PM
Body	Will 1:15 work for you? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 11:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 minutes Wayne – Do you have time for a brief visit today? Name the time….Karlene

Record 1857

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: 10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:25.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:15:00.000 PM
Body	Will 1:15 work for you? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 11:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 minutes Wayne – Do you have time for a brief visit today? Name the time….Karlene

Record 1858

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: 10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:00.000 PM

Body	Say 3? **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 12:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: 10 minutes Oops. Just got a call.....Can we do it after 2:30 p.m.? Karlene **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** RE: 10 minutes Will 1:15 work for you? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 11:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 minutes Wayne – Do you have time for a brief visit today? Name the time....Karlene

Record 1859

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: 10 minutes
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 12:44:00.000 PM
Body	Say 3? **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 12:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: 10 minutes Oops. Just got a call.....Can we do it after 2:30 p.m.? Karlene **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Fine, Karlene K. <kfine@nd.gov> **Subject:** RE: 10 minutes Will 1:15 work for you? Wayne **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Wednesday, January 5, 2022 11:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** 10 minutes Wayne – Do you have time for a brief visit today? Name the time....Karlene

Record 1860

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov, rcmiller@nd.gov
Subject	RE: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:49:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:49:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:49:00.000 PM

Body	Good plan. Wayne **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Wednesday, January 5, 2022 1:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Miller, Randall C. <rcmiller@nd.gov> **Subject:** RE: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter I have no issues. I have requested that Tasha and I be included in the entrance conference. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Miller, Randall C. <rcmiller@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** FW: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter I have no issues with this. Let me know if you do. Wayne **From:** Hellman, Delan D. <ddhellma@nd.gov> **Sent:** Wednesday, January 5, 2022 11:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Miller, Randall C. <rcmiller@nd.gov>; Slappy, Lindsey M. <lslappy@nd.gov> **Subject:** Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter Good Morning Attorney General Stenehjem, Attached you will find the Engagement Letter for the upcoming Fiscal Year 2021 financial audit of the North Dakota Lottery. Please let me or the Audit Manager, Lindsey Slappy (328-2336 / lslappy@nd.gov), know if you have any questions. Thank you, **DELAN HELLMAN** Senior Auditor North Dakota State Auditor's Office 600 E. Boulevard Ave. Dept 117 Bismarck, ND 58505-0060 p: 701-328-2744 www.nd.gov/auditor

Record 1861

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov, rcmiller@nd.gov
Subject	RE: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:49:21.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:49:21.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 1:49:00.000 PM

Body	Good plan. Wayne **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Wednesday, January 5, 2022 1:11 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Miller, Randall C. <rcmiller@nd.gov> **Subject:** RE: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter I have no issues. I have requested that Tasha and I be included in the entrance conference. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 12:15 PM **To:** Miller, Randall C. <rcmiller@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** FW: Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter I have no issues with this. Let me know if you do. Wayne **From:** Hellman, Delan D. <ddhellma@nd.gov> **Sent:** Wednesday, January 5, 2022 11:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Miller, Randall C. <rcmiller@nd.gov>; Slappy, Lindsey M. <lslappy@nd.gov> **Subject:** Fiscal Year 2021 North Dakota Lottery Audit Engagement Letter Good Morning Attorney General Stenehjem, Attached you will find the Engagement Letter for the upcoming Fiscal Year 2021 financial audit of the North Dakota Lottery. Please let me or the Audit Manager, Lindsey Slappy (328-2336 / lslappy@nd.gov), know if you have any questions. Thank you, **DELAN HELLMAN** Senior Auditor North Dakota State Auditor's Office 600 E. Boulevard Ave. Dept 117 Bismarck, ND 58505-0060 p: 701-328-2744 www.nd.gov/auditor

Record 1862

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov, masagsve@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:39:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:39:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:39:00.000 PM

Body	**And why is defendant DOH serving subpoenas to Commerce?** **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt

Record 1863

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mkelsch@nd.gov, masagsve@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:39:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:39:12.000 PM
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Body	**And why is defendant DOH serving subpoenas to Commerce?** **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt

Record 1864

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:57:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:57:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:57:00.000 PM

Body	Right **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 3:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Are you asking why we need the records? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:39 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department And why is defendant DOH serving subpoenas to Commerce? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt

Record 1865

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Department of Health Subpoena/Records in custody of Commerce Department
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:57:39.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:57:39.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 3:57:00.000 PM

Body	Right **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 3:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department Are you asking why we need the records? **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Wednesday, January 5, 2022 3:39 PM **To:** Kelsch, Mary Kae M. <mkelsch@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department And why is defendant DOH serving subpoenas to Commerce? **From:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Sent:** Wednesday, January 5, 2022 3:36 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Department of Health Subpoena/Records in custody of Commerce Department What legal basis are they giving for the confidentiality? **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Wednesday, January 5, 2022 2:40 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Department of Health Subpoena/Records in custody of Commerce Department Wayne, I want to let you know that the Department of Commerce possesses certain confidential records that are relevant to a lawsuit filed against the Department of Health ("DOH"). Commerce takes the position that the records are confidential, and DOH will need to service Commerce with a subpoena for the records. Therefore, DOH will be serving Commerce with a subpoena for the records. I do not recall that we have had to do this before, so I just want to make sure you are aware of what is happening. Matt

Record 1866

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Fwd: AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:12:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:01.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tiffany Hernandez <Tiffany.Hernandez@oag.texas.gov> **Sent:** Wednesday, January 5, 2022 8:03:18 PM **Subject:** AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, Thank you for your interest in the upcoming Texas Attorney General Ken Paxton's Border Summit in McAllen, TX. I will be your point of contact for all things travel related before and during the event. Attached is a draft agenda, which will be finalized in the coming weeks, along with travel information for you and your staff. My personal cell phone number is 512.695.7144, please do not hesitate to call or text me at any time if you should have questions, comments, or concerns. We look forward to seeing you at this very important event! Have a wonderful evening! **Respectfully,** **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144
Attachments	image004[15130].png, 16033.pdf, 16034.pdf

Record 1867

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Fwd: AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:12:28.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:01.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Tiffany Hernandez <Tiffany.Hernandez@oag.texas.gov> **Sent:** Wednesday, January 5, 2022 8:03:18 PM **Subject:** AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, Thank you for your interest in the upcoming Texas Attorney General Ken Paxton's Border Summit in McAllen, TX. I will be your point of contact for all things travel related before and during the event. Attached is a draft agenda, which will be finalized in the coming weeks, along with travel information for you and your staff. My personal cell phone number is 512.695.7144, please do not hesitate to call or text me at any time if you should have questions, comments, or concerns. We look forward to seeing you at this very important event! Have a wonderful evening! **Respectfully,** **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144
Attachments	image004[11729].png, 12682.pdf, 12683.pdf

Record 1868

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Tiffany.Hernandez@oag.texas.gov
Subject	Re: AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:12:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:15.000 PM

Body	**From:** Tiffany Hernandez <Tiffany.Hernandez@oag.texas.gov> **Sent:** Wednesday, January 5, 2022 8:03:18 PM **Subject:** AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, Thank you for your interest in the upcoming Texas Attorney General Ken Paxton's Border Summit in McAllen, TX. I will be your point of contact for all things travel related before and during the event. Attached is a draft agenda, which will be finalized in the coming weeks, along with travel information for you and your staff. My personal cell phone number is 512.695.7144, please do not hesitate to call or text me at any time if you should have questions, comments, or concerns. We look forward to seeing you at this very important event! Have a wonderful evening! Respectfully, **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144
Attachments	image004[15133].png

Record 1869

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	Tiffany.Hernandez@oag.texas.gov
Subject	Re: AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:12:24.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:15.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/5/2022 9:13:15.000 PM

Body	**From:** Tiffany Hernandez <Tiffany.Hernandez@oag.texas.gov> **Sent:** Wednesday, January 5, 2022 8:03:18 PM **Subject:** AGENDA TX AG Border Summit - McAllen, TX Jan 27-28, 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good evening, Thank you for your interest in the upcoming Texas Attorney General Ken Paxton's Border Summit in McAllen, TX. I will be your point of contact for all things travel related before and during the event. Attached is a draft agenda, which will be finalized in the coming weeks, along with travel information for you and your staff. My personal cell phone number is 512.695.7144, please do not hesitate to call or text me at any time if you should have questions, comments, or concerns. We look forward to seeing you at this very important event! Have a wonderful evening! Respectfully, **Tiffany Hernandez** ***Executive Assistant*** Executive Administration *Grant Dorfman* | Deputy First Assistant AG *Josh Reno* | Deputy AG for Criminal Justice Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 O: (512) 936-1305 C: (512) 695-7144
Attachments	image004[12209].png

Record 1870

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: $100,000 POWERBALL PRIZE WON IN BISMARCK.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:00.000 AM
Body	**From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 6, 2022 10:14 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** $100,000 POWERBALL PRIZE WON IN BISMARCK.pdf Attached for your information is a Lottery news release going out this morning. Liz
Attachments	16032.pdf

Record 1871

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: $100,000 POWERBALL PRIZE WON IN BISMARCK.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:41.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 10:16:00.000 AM

Body	**From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 6, 2022 10:14 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** $100,000 POWERBALL PRIZE WON IN BISMARCK.pdf Attached for your information is a Lottery news release going out this morning. Liz
Attachments	12681.pdf

Record 1872

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:24:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:24:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:24:00.000 PM

Body	§44-04-19.1 Proceed Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne- §44-04-19.1 Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1873

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: S Ct Oral Argum- draft email to Petitioners counsel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:24:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:24:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 12:24:00.000 PM

Body	§44-04-19.1 Proceed Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 6, 2022 11:34 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** S Ct Oral Argum- draft email to Petitioners counsel ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne- §44-04-19.1 Thank you If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1874

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lballiet@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:51:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:52:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:52:30.000 PM
Body	Nothing relieves cold weather blues better than Laura's famous soup! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20220104_191459[16031].jpg

Record 1875

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lballiet@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:51:14.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:52:25.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 2:52:30.000 PM
Body	Nothing relieves cold weather blues better than Laura's famous soup! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android
Attachments	20220104_191459[12680].jpg

Record 1876

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Subject	C-SPAN
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:53:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:53:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:53:00.000 PM
Body	https://www.c-span.org/video/?516919-1/justices-hear-case-vaccine-mandate-health-care-workers

Record 1877

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lbrocker@nd.gov
Subject	C-SPAN
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:53:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:53:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 3:53:00.000 PM
Body	https://www.c-span.org/video/?516919-1/justices-hear-case-vaccine-mandate-health-care-workers

Record 1878

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: C-SPAN
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:05:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:05:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:05:00.000 PM

Body	It will be on at 10 Central, 11 Eastern time **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 6, 2022 4:02 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: C-SPAN I sent the request into our IT help desk, with the link. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 6, 2022 3:54 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** C-SPAN https://www.c-span.org/video/?516919-1/justices-hear-case-vaccine-mandate-health-care-workers

Record 1879

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	RE: C-SPAN
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:05:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:05:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:05:00.000 PM
Body	It will be on at 10 Central, 11 Eastern time **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 6, 2022 4:02 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: C-SPAN I sent the request into our IT help desk, with the link. Liz **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 6, 2022 3:54 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** C-SPAN https://www.c-span.org/video/?516919-1/justices-hear-case-vaccine-mandate-health-care-workers

Record 1880

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Land Transfers
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:23:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:23:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:23:00.000 PM

Body

At your convenience….

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, January 6, 2022 4:15 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Land Transfers

Can we discuss this issue? I am in a deposition from 9 to ? tomorrow.

From: Wald, James J. <jawald@nd.gov>
Sent: Thursday, January 6, 2022 3:47 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

Following up to get your thoughts on the below as well as the proposed revisions to S.3200 sent in e-mail dated 12/29/2021. Happy to discuss in a call if convenient.

Also, be advised that the McKenzie County Grazing Association has sent the attached letter to Representative Armstrong requesting that the Little Missouri National Grasslands be completely removed from the current bill. Paragraph 3 calls out the section line rights-of-way issue.

Thank You,

James

From: Wald, James J.
Sent: Tuesday, January 4, 2022 5:29 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

I don't believe we have specifically discussed sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3, but I don't see any glaring issues aside from those we have already discussed. Here is my take, please let me know if you disagree with anything - I would be happy to discuss further.

- Article IX, § 6 of the constitution requires further legislative authority to exchange state- owned original grant lands with federal lands (see highlighted language below).
- This legislative authority appears in N.D.C.C. §§ 15-06-19.1, 54-01-12, and 54-01-13:
  - § 15- 06- 19.1 grants the Board legislative authority to exchange "[o]riginal grant school or institutional lands and any other lands controlled by the board of university and school lands" with federal lands "of like character and value". I interpret this grant of authority to be quite broad and apply to *all* lands under the control of the Board (whether granted in the Enabling act or otherwise acquired thereafter, and wherever located).
  - § 54- 01- 12 grants legislative authority to exchange state- owned non- grant lands located on Indian reservations within the state with federal lands also located on Indian reservations within the state. The language does not indicate that the lands exchanged must be located the same reservation.
  - § 54- 01- 13 grants legislative authority to exchange state- owned non- grant lands located within the borders of Fort Berthold reservation with federal lands located *outside* of Fort Berthold reservation.
- S.3200 specifically proposes an exchange of state- owned land located within the Little Missouri National Grassland and within the reservations.
- N.D.C.C. §§ 54- 01- 13.1, 13.2, and 13.3 all appear to apply only to exchanges of land within Theodore Roosevelt National Park. It is my understanding that most (if not all) state- owned land within the Park has already been exchanged.

N.D. Const. art. IX, § 6.
Any of said lands that may be required for townsite purposes, schoolhouse sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, airplane landing fields, fairgrounds, public highways, railroad right of way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the constitution and laws of this state, may be sold under the provisions of this article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any of said lands and any other lands controlled by the board of university and school lands, including state coal mineral interests, may, with the approval of said board, be exchanged for lands and coal mineral interests of the United States, the state of North Dakota or any county or municipality thereof as the legislature may provide, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject, and the state shall reserve all mineral and water power rights in land so transferred.

Body	except coal mineral interests approved for exchange by the board of university and school lands under this section. **15-06-19.1. Exchange of lands with the United States.** Original grant school or institutional lands and any other lands controlled by the board of university and school lands may be exchanged for lands of like character and value belonging to the United States government when it appears that such exchange will be advantageous to the state of North Dakota and will effect an increase in the value of such lands by consolidation or by making lands more accessible. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged, and the lands so acquired are subject to the trust to which the lands exchanged therefor were subject. **54-01-12. Exchange of lands on Indian reservation between state and federal government.** The state of North Dakota, through its several departments and agencies, may exchange tracts and sections of land on Indian reservations within the state, belonging to the state of North Dakota, and not a part of the original grant of land to the state provided in the Enabling Act, for lands of like character and value belonging to the United States government on Indian reservations within this state. Such exchange is subject to the approval of the appropriate department of the federal government and the lands must be appraised in the manner provided by law. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring notice of exchange or competitive bidding, and it may accept in return therefor a proper instrument of conveyance to the state of the lands for which such state lands are exchanged. **54-01-13. Exchange of lands on Fort Berthold reservation.** The state of North Dakota, through its several departments and agencies, is hereby authorized and empowered to exchange tracts, sections, and parcels of land located within the diminished borders of Fort Berthold reservation belonging to the state of North Dakota and not a part of the original grant of lands to the state provided for in the Enabling Act, for lands of like character and value belonging to the United States government located outside of the diminished borders of said Fort Berthold reservation. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged. **54-01-13.1. Exchange of lands within Theodore Roosevelt National Park.** The state of North Dakota is hereby authorized to transfer and convey to the United States of America any lands situated within the Theodore Roosevelt National Park in the county of Billings, state of North Dakota, including state school lands and lands held by the state historical society or for the use and benefit of the state game and fish department, such transfer and conveyance to be made in exchange for federal lands of not less than equal value situated outside of the Theodore Roosevelt National Park. **54-01-13.2. Appraisal.** The lands to be conveyed to the United States of America and also the lands to be taken in exchange therefor, under the provisions of section 54-01-13.1, must be appraised by the county superintendent of schools, the county auditor, and the chairman of the board of county commissioners in the county where the land is situated, at its fair market value, but no state school lands may be appraised and valued at less than ten dollars per acre [.40 hectare]. The county director of tax equalization shall serve as an assistant in making the appraisals. **54-01-13.3. Conveyance.** Conveyances made under section 54-01-13.1 to the United States of America of state school lands must be executed in the same form and manner as now provided by law for the sale and conveyance of state school lands and conveyance by the state of other lands under the provisions of section 54-01-13.1 must be executed on behalf of the state of North Dakota by the governor and attested by the secretary of state. James **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, January 3, 2022 11:33 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** Land Transfers James, I forget if we discussed state laws, and I apologize if we did, but did you review sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3? Matt

Record 1881

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Land Transfers
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:23:22.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:23:22.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/6/2022 4:23:00.000 PM

Body

At your convenience….

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Thursday, January 6, 2022 4:15 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Land Transfers

Can we discuss this issue? I am in a deposition from 9 to ? tomorrow.

From: Wald, James J. <jawald@nd.gov>
Sent: Thursday, January 6, 2022 3:47 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

Following up to get your thoughts on the below as well as the proposed revisions to S.3200 sent in e-mail dated 12/29/2021. Happy to discuss in a call if convenient.

Also, be advised that the McKenzie County Grazing Association has sent the attached letter to Representative Armstrong requesting that the Little Missouri National Grasslands be completely removed from the current bill. Paragraph 3 calls out the section line rights-of-way issue.

Thank You,

James

From: Wald, James J.
Sent: Tuesday, January 4, 2022 5:29 PM
To: Sagsveen, Matthew A. <masagsve@nd.gov>
Subject: RE: Land Transfers

Matt,

I don't believe we have specifically discussed sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3, but I don't see any glaring issues aside from those we have already discussed. Here is my take, please let me know if you disagree with anything - I would be happy to discuss further.

- Article IX, § 6 of the constitution requires further legislative authority to exchange state- owned original grant lands with federal lands (see highlighted language below).
- This legislative authority appears in N.D.C.C. §§ 15-06-19.1, 54-01-12, and 54-01-13:
  - § 15- 06- 19.1 grants the Board legislative authority to exchange "[o]riginal grant school or institutional lands and any other lands controlled by the board of university and school lands" with federal lands "of like character and value". I interpret this grant of authority to be quite broad and apply to *all* lands under the control of the Board (whether granted in the Enabling act or otherwise acquired thereafter, and wherever located).
  - § 54- 01- 12 grants legislative authority to exchange state- owned non- grant lands located on Indian reservations within the state with federal lands also located on Indian reservations within the state. The language does not indicate that the lands exchanged must be located the same reservation.
  - § 54- 01- 13 grants legislative authority to exchange state- owned non- grant lands located within the borders of Fort Berthold reservation with federal lands located *outside* of Fort Berthold reservation.
- S.3200 specifically proposes an exchange of state- owned land located within the Little Missouri National Grassland and within the reservations.
- N.D.C.C. §§ 54- 01- 13.1, 13.2, and 13.3 all appear to apply only to exchanges of land within Theodore Roosevelt National Park. It is my understanding that most (if not all) state- owned land within the Park has already been exchanged.

N.D. Const. art. IX, § 6.
Any of said lands that may be required for townsite purposes, schoolhouse sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, airplane landing fields, fairgrounds, public highways, railroad right of way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the constitution and laws of this state, may be sold under the provisions of this article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any of said lands and any other lands controlled by the board of university and school lands, including state coal mineral interests, may, with the approval of said board, be exchanged for lands and coal mineral interests of the United States, the state of North Dakota or any county or municipality thereof as the legislature may provide, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject, and the state shall reserve all mineral and water power rights in land so transferred.

Body	except coal mineral interests approved for exchange by the board of university and school lands under this section. **15-06-19.1. Exchange of lands with the United States.** Original grant school or institutional lands and any other lands controlled by the board of university and school lands may be exchanged for lands of like character and value belonging to the United States government when it appears that such exchange will be advantageous to the state of North Dakota and will effect an increase in the value of such lands by consolidation or by making lands more accessible. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged, and the lands so acquired are subject to the trust to which the lands exchanged therefor were subject. **54-01-12. Exchange of lands on Indian reservation between state and federal government.** The state of North Dakota, through its several departments and agencies, may exchange tracts and sections of land on Indian reservations within the state, belonging to the state of North Dakota, and not a part of the original grant of land to the state provided in the Enabling Act, for lands of like character and value belonging to the United States government on Indian reservations within this state. Such exchange is subject to the approval of the appropriate department of the federal government and the lands must be appraised in the manner provided by law. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring notice of exchange or competitive bidding, and it may accept in return therefor a proper instrument of conveyance to the state of the lands for which such state lands are exchanged. **54-01-13. Exchange of lands on Fort Berthold reservation.** The state of North Dakota, through its several departments and agencies, is hereby authorized and empowered to exchange tracts, sections, and parcels of land located within the diminished borders of Fort Berthold reservation belonging to the state of North Dakota and not a part of the original grant of lands to the state provided for in the Enabling Act, for lands of like character and value belonging to the United States government located outside of the diminished borders of said Fort Berthold reservation. Such exchange is subject to the approval of the proper department of the federal government, and such lands must be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law, without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged. **54-01-13.1. Exchange of lands within Theodore Roosevelt National Park.** The state of North Dakota is hereby authorized to transfer and convey to the United States of America any lands situated within the Theodore Roosevelt National Park in the county of Billings, state of North Dakota, including state school lands and lands held by the state historical society or for the use and benefit of the state game and fish department, such transfer and conveyance to be made in exchange for federal lands of not less than equal value situated outside of the Theodore Roosevelt National Park. **54-01-13.2. Appraisal.** The lands to be conveyed to the United States of America and also the lands to be taken in exchange therefor, under the provisions of section 54-01-13.1, must be appraised by the county superintendent of schools, the county auditor, and the chairman of the board of county commissioners in the county where the land is situated, at its fair market value, but no state school lands may be appraised and valued at less than ten dollars per acre [.40 hectare]. The county director of tax equalization shall serve as an assistant in making the appraisals. **54-01-13.3. Conveyance.** Conveyances made under section 54-01-13.1 to the United States of America of state school lands must be executed in the same form and manner as now provided by law for the sale and conveyance of state school lands and conveyance by the state of other lands under the provisions of section 54-01-13.1 must be executed on behalf of the state of North Dakota by the governor and attested by the secretary of state. James **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Monday, January 3, 2022 11:33 AM **To:** Wald, James J. <jawald@nd.gov> **Subject:** Land Transfers James, I forget if we discussed state laws, and I apologize if we did, but did you review sections 54-01-12, 54-01-13, 54-01-13.2, 54-01-13.3? Matt

Record 1882

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ljmiller@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:08:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:09:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:09:02.000 AM
Body	You don't need to come up to connect my laptop. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1883

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ljmiller@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:08:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:09:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 9:09:02.000 AM
Body	You don't need to come up to connect my laptop. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1884

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:54:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:54:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:54:00.000 PM
Body	1:15 is all I have available **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 7, 2022 11:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Do you have time to meet after lunch to discuss the legislation affecting the land board?

Record 1885

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE:
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:54:26.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:54:26.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 12:54:00.000 PM
Body	1:15 is all I have available **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 7, 2022 11:51 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Do you have time to meet after lunch to discuss the legislation affecting the land board?

Record 1886

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ahicks@nd.gov
Subject	letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:25:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:25:18.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:25:00.000 PM
Body	Will you bring me a copy of that letter, please. Wayne

Record 1887

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ahicks@nd.gov
Subject	letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:25:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:25:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 1:25:00.000 PM
Body	Will you bring me a copy of that letter, please. Wayne

Record 1888

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	JTufte@ndcourts.gov
Subject	RE: open records in the judicial branch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:47:00.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:47:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:46:00.000 PM

Body	Thanks so much for your email. I appreciate your kind comments about my impending retirement. It was a lot harder decision than I thought it would be! I will be happy to lend assistance to you and your effort on the open records. I realize it's a challenge put all the pieces together in a workable fashion. The person I have in mind is out of the office for the week now, but I'll visit about that with her first thing Monday morning. Again, thanks for you your kind words. Have a good weekend. Wayne **From:** Tufte, Justice Jerod <JTufte@ndcourts.gov> **Sent:** Friday, January 7, 2022 3:12 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** open records in the judicial branch ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon Wayne, I haven't yet had a chance to wish you well in your announced retirement. I hope this means that you and Beth will have even greater opportunities for interesting travel. Congratulations on your long and honorable service to the state. I reach out today because I am leading a work group to rewrite our court rule relating to open records (Admin. Rule 41). You may recall that about two years ago we amended this rule and implemented a policy of greater remote public access of court records that had been to that point available only in person at court houses. For a variety of reasons, that public access under the amended rule was suspended. Our Court Services Administration Committee spent more than a year working on another approach to these issues. Unfortunately, I believe the result of that effort did not leave us with a viable rule to manage access to records within the judicial branch. I have been working on a draft rule for consideration by the Supreme Court that would closely track the open records provisions in Chapter 44-04, in many cases by expressly incorporating those procedures by reference. As you are probably aware, Chapter 44-04 expressly excludes from the definition of "record" any documents in the possession of a court. This carve-out recognizes that the Court has authority to provide by rule for management of judicial records. I think the public should have a more consistent experience in terms of cost, response time, administrative procedure, etc whether records are requested from the executive branch or the judicial branch. I explain all this to you to ask if you would recommend someone in your office having knowledge and experience with our open records laws to participate in 2-3 meetings over the course of the next 3 months or so. I think the statutory procedures for requests, costs, response time, search and collection, and many of the exemptions and confidentiality exclusions are well crafted and would work well for court records. If this project leads where I believe it will, the court, and eventually the public, would benefit from your office's expertise in this area as we re-write our open records rule to harmonize it with Chapter 44-04. Thank you for your assistance with this and please let me know if your office has someone willing and able to assist us with this. You can also reach me on my cell phone at [redacted] if you'd like to discuss further. Jerod **Jerod E. Tufte** Justice - North Dakota Supreme Court
BCC	mkelsch@nd.gov

Record 1889

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	JTufte@ndcourts.gov
Subject	RE: open records in the judicial branch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:47:00.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:47:01.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:46:00.000 PM

Body	Thanks so much for your email. I appreciate your kind comments about my impending retirement. It was a lot harder decision than I thought it would be! I will be happy to lend assistance to you and your effort on the open records. I realize it's a challenge put all the pieces together in a workable fashion. The person I have in mind is out of the office for the week now, but I'll visit about that with her first thing Monday morning. Again, thanks for you your kind words. Have a good weekend. Wayne **From:** Tufte, Justice Jerod <JTufte@ndcourts.gov> **Sent:** Friday, January 7, 2022 3:12 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** open records in the judicial branch ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon Wayne, I haven't yet had a chance to wish you well in your announced retirement. I hope this means that you and Beth will have even greater opportunities for interesting travel. Congratulations on your long and honorable service to the state. I reach out today because I am leading a work group to rewrite our court rule relating to open records (Admin. Rule 41). You may recall that about two years ago we amended this rule and implemented a policy of greater remote public access of court records that had been to that point available only in person at court houses. For a variety of reasons, that public access under the amended rule was suspended. Our Court Services Administration Committee spent more than a year working on another approach to these issues. Unfortunately, I believe the result of that effort did not leave us with a viable rule to manage access to records within the judicial branch. I have been working on a draft rule for consideration by the Supreme Court that would closely track the open records provisions in Chapter 44-04, in many cases by expressly incorporating those procedures by reference. As you are probably aware, Chapter 44-04 expressly excludes from the definition of "record" any documents in the possession of a court. This carve-out recognizes that the Court has authority to provide by rule for management of judicial records. I think the public should have a more consistent experience in terms of cost, response time, administrative procedure, etc whether records are requested from the executive branch or the judicial branch. I explain all this to you to ask if you would recommend someone in your office having knowledge and experience with our open records laws to participate in 2-3 meetings over the course of the next 3 months or so. I think the statutory procedures for requests, costs, response time, search and collection, and many of the exemptions and confidentiality exclusions are well crafted and would work well for court records. If this project leads where I believe it will, the court, and eventually the public, would benefit from your office's expertise in this area as we re-write our open records rule to harmonize it with Chapter 44-04. Thank you for your assistance with this and please let me know if your office has someone willing and able to assist us with this. You can also reach me on my cell phone at [redacted] if you'd like to discuss further. Jerod **Jerod E. Tufte** Justice - North Dakota Supreme Court
BCC	mkelsch@nd.gov

Record 1890

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	fyi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:56:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:56:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:56:00.000 PM
Body	https://www.cnn.com/2022/01/07/politics/supreme-court-biden-vaccine-testing-mandate-covid-19/index.html **Wayne**

Record 1891

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	fyi
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:56:51.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:56:51.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/7/2022 4:56:00.000 PM
Body	https://www.cnn.com/2022/01/07/politics/supreme-court-biden-vaccine-testing-mandate-covid-19/index.html Wayne

Record 1892

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	Re: LaMoure Co Suicide
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 6:43:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 6:44:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 6:44:29.000 PM

Body	What a sad event. Thanks to all our staff for such difficult work. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Saturday, January 8, 2022 11:58:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: LaMoure Co Suicide Wayne and Troy, Please find below an overview of a call for assistance for a suicide from the LaMoure County Sheriffs Department. Tragic loss of a young man. S/A's Troy Kelly and Shawn Banet did a great job with a tough and emotional scene. Thank you, Lonnie Get Outlook for iOS **From:** Banet, Shawn J. <sbanet@nd.gov> **Sent:** Saturday, January 8, 2022 11:43 AM **To:** Grabowska, Lonnie; Miller, Casey J.; Rummel, Arnie; TK427 **Subject:** Re: LaMoure Co Suicide To add to this I would like to strongly commend the LaMoure Ambulance in going above and beyond their duty by offering to clean up the scene after we were done processing. The whole crew without hesitation cleaned up the biological material and blood so that the family wasn't retraumatized by dealing with he aftermath of their child's suicide. It is truly an honor to work with such great communities that care for one an other to that level. Shawn Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation Cell: [redacted] Office: 701-251-2993 **From:** Banet, Shawn J. **Sent:** Saturday, January 8, 2022 11:33:37 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Miller, Casey J. <cajmiller@nd.gov>; Rummel, Arnie <arummel@nd.gov>; TK427 <tk427@nd.gov> **Subject:** LaMoure Co Suicide Thursday night S/A Kelly and myself assisted LaMoure County SO with the investigation of a suicide involving a 15 year old juvenile male. Upon arrival we were advised by the Sheriff that the in the evening [redacted] went to his room locking the door behind himself. After some time his mother Ann went to his door to ask him to come out to play a card game with the family. It was at this point that she discovered that the door was locked. Ann then asked [redacted] to unlock the door as per their family rules the kids were not allowed to lock their doors [redacted] did not respond. Ann went out to the kitchen to let her husband (Brett) know. It was at this time they heard a loud noise. Brett unlocked the door with a screwdriver and discovered [redacted] laying on the floor on top of his shot gun surrounded by a large pool of blood. Upon interviewing the family I was advised that the family wasn't into hunting or guns but [redacted] had expressed interest in wanting to start to bird hunt. The parents decided with [redacted] recent interest they would give him a shot gun for Christmas along with a box of bird shot. Further discussion reviled that [redacted] was a straight A student and an athlete. No recent break ups or apparent issues with his peers. Recently [redacted] did get into trouble for disrespecting his mother but the family did not disclose that it was anything beyond normal teenage issues. Preliminary searching of [redacted] cell phone has not reviewed any obvious red flags, beyond online searches (relating to suicide and suicide by shotgun) that [redacted] did prior to committing suicide. [redacted] mother Charlie did disclose that LaMoure high school does have a significant amount of bullying but was unaware of any major issues that would have been affecting [redacted] [redacted] did leave a note next to his phone stating "Your Loss." Preliminary autopsy results are constant with what we saw on scene, ruling the death as a suicide with the manor of death being a single oral gunshot wound. After talking with the family they agreed to allow me to give our victim advocates their information to possibly offer some assistance in going through this process. The following is a brief synopsis of the family: Father Charles Brett Bowman (goes by Brett) Mother Ann Bowman Charlie Bowman (senior in HS) [redacted] victim, was a sophomore in HS) I will be pulling a case number on Monday and will have my initial report submitted early next week. If you have more questions feel free to let me know. Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation Cell: [redacted] Office: 701-251-2993

Record 1893

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	Re: LaMoure Co Suicide
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 6:43:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 6:44:28.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/8/2022 6:44:29.000 PM

Body	What a sad event. Thanks to all our staff for such difficult work. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Saturday, January 8, 2022 11:58:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: LaMoure Co Suicide Wayne and Troy, Please find below an overview of a call for assistance for a suicide from the LaMoure County Sheriffs Department. Tragic loss of a young man. S/A's Troy Kelly and Shawn Banet did a great job with a tough and emotional scene. Thank you, Lonnie Get Outlook for iOS **From:** Banet, Shawn J. <sbanet@nd.gov> **Sent:** Saturday, January 8, 2022 11:43 AM **To:** Grabowska, Lonnie; Miller, Casey J.; Rummel, Arnie; TK427 **Subject:** Re: LaMoure Co Suicide To add to this I would like to strongly commend the LaMoure Ambulance in going above and beyond their duty by offering to clean up the scene after we were done processing. The whole crew without hesitation cleaned up the biological material and blood so that the family wasn't retraumatized by dealing with he aftermath of their child's suicide. It is truly an honor to work with such great communities that care for one an other to that level. Shawn Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation Cell: §44-04-18.3 Office: 701-251-2993 **From:** Banet, Shawn J. **Sent:** Saturday, January 8, 2022 11:33:37 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Miller, Casey J. <cajmiller@nd.gov>; Rummel, Arnie <arummel@nd.gov>; TK427 <tk427@nd.gov> **Subject:** LaMoure Co Suicide Thursday night S/A Kelly and myself assisted LaMoure County SO with the investigation of a suicide involving a 15 year old juvenile male. Upon arrival we were advised by the Sheriff that the in the evening 12.1-35-03 went to his room locking the door behind himself. After some time his mother Ann went to his door to ask him to come out to play a card game with the family. It was at this point that she discovered that the door was locked. Ann then asked 12.1-35- to unlock the door as per their family rules the kids were not allowed to lock their doors. 12.1-35- did not respond. Ann went out to the kitchen to let her husband (Brett) know. It was at this time they heard a loud noise. Brett unlocked the door with a screwdriver and discovered 12.1-3 laying on the floor on top of his shot gun surrounded by a large pool of blood. Upon interviewing the family I was advised that the family wasn't into hunting or guns but 12.1-3 had expressed interest in wanting to start to bird hunt. The parents decided with 12.1-35 recent interest they would give him a shot gun for Christmas along with a box of bird shot. Further discussion reviled that 12.1-3 was a straight A student and an athlete. No recent break ups or apparent issues with his peers. Recently 12.1-3 did get into trouble for disrespecting his mother but the family did not disclose that it was anything beyond normal teenage issues. Preliminary searching of 12.1-35 cell phone has not reviewed any obvious red flags, beyond online searches (relating to suicide and suicide by shotgun) that 12.1-3 did prior to committing suicide. 12.1-35-1 brother Charlie did disclose that LaMoure high school does have a significant amount of bullying but was unaware of any major issues that would have been affecting 12.1-35-03 12.1-35- did leave a note next to his phone stating "Your Loss." Preliminary autopsy results are constant with what we saw on scene, ruling the death as a suicide with the manor of death being a single oral gunshot wound. After talking with the family they agreed to allow me to give our victim advocates their information to possibly offer some assistance in going through this process. The following is a brief synopsis of the family: Father Charles Brett Bowman (goes by Brett) Mother Ann Bowman Charlie Bowman (senior in HS) 12.1-35-03 victim, was a sophomore in HS) I will be pulling a case number on Monday and will have my initial report submitted early next week. If you have more questions feel free to let me know. Sent from my iPhone Special Agent Shawn Banet North Dakota Bureau of Criminal Investigation Cell: §44-04-18.3 Office: 701-251-2993

Record 1894

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	FW: NAAG Dues 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:25:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:25:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:25:00.000 AM

Body	**From:** Aicha Bah <abah@naag.org> **Sent:** Monday, January 10, 2022 7:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Theresia Heller <theller@naag.org> **Subject:** NAAG Dues 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** TO: All Attorneys General FROM: Theresia Heller, Chief Financial Officer SUBJECT: Annual Dues Invoices for Calendar Year 2022 Enclosed is an invoice for your state's annual dues to the National Association of Attorneys General for the calendar year 2022. Also enclosed for your information is a copy of the NAAG Dues Schedule for calendar year 2022. The groupings are based on the data of the latest Census. According to Article VII Section 1 of the NAAG Constitution, the dues and publications/technical assistance fees for each Attorney General shall be assessed according to a schedule, which is based upon the population of each jurisdiction. Each state's grouping on the schedule shall be readjusted by the Executive Committee as soon as practicable following the availability of the population figures of the midterm and decennial census. Dues shall increase annually by the Consumer Price Index (CPI) or 3%, whichever is greater. The invoice is due and payable on receipt. If you or your staff have any questions or require any further clarification, please feel free to contact Aicha Bah at 202-326-6013 or abah@naag.org **Aicha Bah** **Finance and Accounts Receivable Coordinator** **National Association of Attorneys General** 1850 M Street NW, 12th floor Washington DC 20036 202.326.6013
Attachments	image001[15208].png, 16029.pdf, 16030.pdf

Record 1895

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov
Subject	FW: NAAG Dues 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:25:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:25:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 8:25:00.000 AM

Body	**From:** Aicha Bah <abah@naag.org> **Sent:** Monday, January 10, 2022 7:55 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Cc:** Theresia Heller <theller@naag.org> **Subject:** NAAG Dues 2022 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** TO: All Attorneys General FROM: Theresia Heller, Chief Financial Officer SUBJECT: Annual Dues Invoices for Calendar Year 2022 Enclosed is an invoice for your state's annual dues to the National Association of Attorneys General for the calendar year 2022. Also enclosed for your information is a copy of the NAAG Dues Schedule for calendar year 2022. The groupings are based on the data of the latest Census. According to Article VII Section 1 of the NAAG Constitution, the dues and publications/technical assistance fees for each Attorney General shall be assessed according to a schedule, which is based upon the population of each jurisdiction. Each state's grouping on the schedule shall be readjusted by the Executive Committee as soon as practicable following the availability of the population figures of the midterm and decennial census. Dues shall increase annually by the Consumer Price Index (CPI) or 3%, whichever is greater. The invoice is due and payable on receipt. If you or your staff have any questions or require any further clarification, please feel free to contact Aicha Bah at 202-326-6013 or abah@naag.org **Aicha Bah** **Finance and Accounts Receivable Coordinator** **National Association of Attorneys General** 1850 M Street NW, 12th floor Washington DC 20036 202.326.6013
Attachments	image001[11804].png, 12678.pdf, 12679.pdf

Record 1896

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	JTufte@ndcourts.gov
Subject	RE: open records in the judicial branch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 12:51:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 12:51:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 12:51:00.000 PM

Body	Chief, Thanks again for reaching out to me and my office on this important issue. I've visited with Mary Kae Kelsch in my office, and she is more that willing to assist with the rule you are working on. As you know, she's had the open records portfolio in my office for years, and I'm sure you will find her assistance very helpful. Best to you, Wayne **From:** Tufte, Justice Jerod <JTufte@ndcourts.gov> **Sent:** Friday, January 7, 2022 3:12 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** open records in the judicial branch ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon Wayne, I haven't yet had a chance to wish you well in your announced retirement. I hope this means that you and Beth will have even greater opportunities for interesting travel. Congratulations on your long and honorable service to the state. I reach out today because I am leading a work group to rewrite our court rule relating to open records (Admin. Rule 41). You may recall that about two years ago we amended this rule and implemented a policy of greater remote public access of court records that had been to that point available only in person at court houses. For a variety of reasons, that public access under the amended rule was suspended. Our Court Services Administration Committee spent more than a year working on another approach to these issues. Unfortunately, I believe the result of that effort did not leave us with a viable rule to manage access to records within the judicial branch. I have been working on a draft rule for consideration by the Supreme Court that would closely track the open records provisions in Chapter 44-04, in many cases by expressly incorporating those procedures by reference. As you are probably aware, Chapter 44-04 expressly excludes from the definition of "record" any documents in the possession of a court. This carve-out recognizes that the Court has authority to provide by rule for management of judicial records. I think the public should have a more consistent experience in terms of cost, response time, administrative procedure, etc whether records are requested from the executive branch or the judicial branch. I explain all this to you to ask if you would recommend someone in your office having knowledge and experience with our open records laws to participate in 2-3 meetings over the course of the next 3 months or so. I think the statutory procedures for requests, costs, response time, search and collection, and many of the exemptions and confidentiality exclusions are well crafted and would work well for court records. If this project leads where I believe it will, the court, and eventually the public, would benefit from your office's expertise in this area as we re-write our open records rule to harmonize it with Chapter 44-04. Thank you for your assistance with this and please let me know if your office has someone willing and able to assist us with this. You can also reach me on my cell phone at [redacted] if you'd like to discuss further. Jerod **Jerod E. Tufte** Justice - North Dakota Supreme Court
CC	mkelsch@nd.gov

Record 1897

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	JTufte@ndcourts.gov
Subject	RE: open records in the judicial branch
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 12:51:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 12:51:24.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 12:51:00.000 PM

Body	Chief, Thanks again for reaching out to me and my office on this important issue. I've visited with Mary Kae Kelsch in my office, and she is more that willing to assist with the rule you are working on. As you know, she's had the open records portfolio in my office for years, and I'm sure you will find her assistance very helpful. Best to you, Wayne **From:** Tufte, Justice Jerod <JTufte@ndcourts.gov> **Sent:** Friday, January 7, 2022 3:12 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** open records in the judicial branch ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Good afternoon Wayne, I haven't yet had a chance to wish you well in your announced retirement. I hope this means that you and Beth will have even greater opportunities for interesting travel. Congratulations on your long and honorable service to the state. I reach out today because I am leading a work group to rewrite our court rule relating to open records (Admin. Rule 41). You may recall that about two years ago we amended this rule and implemented a policy of greater remote public access of court records that had been to that point available only in person at court houses. For a variety of reasons, that public access under the amended rule was suspended. Our Court Services Administration Committee spent more than a year working on another approach to these issues. Unfortunately, I believe the result of that effort did not leave us with a viable rule to manage access to records within the judicial branch. I have been working on a draft rule for consideration by the Supreme Court that would closely track the open records provisions in Chapter 44-04, in many cases by expressly incorporating those procedures by reference. As you are probably aware, Chapter 44-04 expressly excludes from the definition of "record" any documents in the possession of a court. This carve-out recognizes that the Court has authority to provide by rule for management of judicial records. I think the public should have a more consistent experience in terms of cost, response time, administrative procedure, etc whether records are requested from the executive branch or the judicial branch. I explain all this to you to ask if you would recommend someone in your office having knowledge and experience with our open records laws to participate in 2-3 meetings over the course of the next 3 months or so. I think the statutory procedures for requests, costs, response time, search and collection, and many of the exemptions and confidentiality exclusions are well crafted and would work well for court records. If this project leads where I believe it will, the court, and eventually the public, would benefit from your office's expertise in this area as we re-write our open records rule to harmonize it with Chapter 44-04. Thank you for your assistance with this and please let me know if your office has someone willing and able to assist us with this. You can also reach me on my cell phone at NDCC §44-04-18.3 if you'd like to discuss further. Jerod **Jerod E. Tufte** Justice - North Dakota Supreme Court
CC	mkelsch@nd.gov

Record 1898

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bhicks@nd.gov
Subject	Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 2:14:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 2:14:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 2:14:00.000 PM
Body	Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 1899

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bhicks@nd.gov
Subject	Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 2:14:40.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 2:14:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 2:14:00.000 PM
Body	Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 1900

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bhicks@nd.gov
Subject	RE: Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:56:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:56:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:56:00.000 PM
Body	Nope. And thanks. **From:** Hicks, Bruce E. <bhicks@nd.gov> **Sent:** Monday, January 10, 2022 3:54 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Visit I'll be there—any documents I should review or bring with me? Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 3:46 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** RE: Visit How about Wednesday am at 9? My office Wayne **From:** Hicks, Bruce E. <bhicks@nd.gov> **Sent:** Monday, January 10, 2022 3:25 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Visit Atty General, I'm available all morning tomorrow and all day Wednesday. Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 2:15 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** Visit Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 1901

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bhicks@nd.gov

Subject	RE: Visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:56:18.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:56:18.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 3:56:00.000 PM
Body	Nope. And thanks. **From:** Hicks, Bruce E. <bhicks@nd.gov> **Sent:** Monday, January 10, 2022 3:54 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Visit I'll be there—any documents I should review or bring with me? Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 3:46 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** RE: Visit How about Wednesday am at 9? My office Wayne **From:** Hicks, Bruce E. <bhicks@nd.gov> **Sent:** Monday, January 10, 2022 3:25 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: Visit Atty General, I'm available all morning tomorrow and all day Wednesday. Bruce **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 10, 2022 2:15 PM **To:** Hicks, Bruce E. <bhicks@nd.gov> **Subject:** Visit Bruce, Is there a time later this week where I can pick your brain for a minute? This is not urgent or controversial □□ Wayne

Record 1902

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov, tseibel@nd.gov
Subject	RE: Meeting Follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 5:07:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 5:07:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 5:07:00.000 PM

Body	Thanks, Robyn. Please arrange an in person meeting through Liz, hopefully Friday of this week or next Monday. [I'm speaking with the State's Attorneys on the 19th, and I'd like to have an outline before then. Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 10, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Subject:** Meeting Follow-up Good Afternoon. I just wanted to give you a brief update on today's meeting (Troy, sorry you couldn't make it). I think we had some great discussion regarding case prioritizations, communication and paths forward. I will be sending you a prioritization scheme proposal soon. We have some great policies from MN and VA that we plan to mimic in our policy. We will send to the attendees of today's meeting for feedback, then send to you for approval. Once approved I will send a memo to all of our stakeholders. The hot topic of the meeting was what your decision is regarding firearms and latent print analyses. LEAs want to know what our plan is. Apparently, they have been holding these cases so there is a backlog at the LEAs. I have attached the proposal I sent to you in April for your review. We probably should set an in person meeting to discuss these items. Please let me know if you have any questions or need additional information. Regards, Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	crittenbach@nd.gov, lbrocker@nd.gov
Attachments	image001[15230].png, image002[15231].png, image003[15232].png

Record 1903

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov, tseibel@nd.gov
Subject	RE: Meeting Follow-up
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 5:07:41.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 5:07:42.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/10/2022 5:07:00.000 PM

Body	Thanks, Robyn. Please arrange an in person meeting through Liz, hopefully Friday of this week or next Monday. [I'm speaking with the State's Attorneys on the 19th, and I'd like to have an outline before then. Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 10, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Rittenbach, Charlene R. <crittenbach@nd.gov> **Subject:** Meeting Follow-up Good Afternoon. I just wanted to give you a brief update on today's meeting (Troy, sorry you couldn't make it). I think we had some great discussion regarding case prioritizations, communication and paths forward. I will be sending you a prioritization scheme proposal soon. We have some great policies from MN and VA that we plan to mimic in our policy. We will send to the attendees of today's meeting for feedback, then send to you for approval. Once approved I will send a memo to all of our stakeholders. The hot topic of the meeting was what your decision is regarding firearms and latent print analyses. LEAs want to know what our plan is. Apparently, they have been holding these cases so there is a backlog at the LEAs. I have attached the proposal I sent to you in April for your review. We probably should set an in person meeting to discuss these items. Please let me know if you have any questions or need additional information. Regards, Robyn **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
CC	crittenbach@nd.gov, lbrocker@nd.gov
Attachments	image001[11827].png, image002[11828].png, image003[11829].png

Record 1904

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, lbrocker@nd.gov
Subject	FW: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:50:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:50:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:50:00.000 AM

Body	Do either of you know anything about this? Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com
Attachments	16028.doc

Record 1905

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, lbrocker@nd.gov
Subject	FW: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:50:45.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:50:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:50:00.000 AM
Body	Do either of you know anything about this? Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com
Attachments	12677.doc

Record 1906

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jackmcdonald@wheelerwolf.com
Subject	RE: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:51:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:51:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:51:00.000 AM
Body	Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1907

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jackmcdonald@wheelerwolf.com
Subject	RE: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:51:23.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:51:23.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:51:00.000 AM

Body	Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1908

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:59:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:59:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:59:00.000 AM

Body	**From:** Stenehjem, Wayne K. **Sent:** Tuesday, January 11, 2022 10:51 AM **To:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1909

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:59:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:59:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 10:59:00.000 AM

Body	**From:** Stenehjem, Wayne K. **Sent:** Tuesday, January 11, 2022 10:51 AM **To:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1910

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, lbrocker@nd.gov
Subject	RE: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:01:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:01:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:01:00.000 AM

Body	Thanks **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Tuesday, January 11, 2022 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Williston I will reach directly out to Charissa and find out. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 11, 2022 10:50:46 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Williston Do either of you know anything about this? Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1911

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, lbrocker@nd.gov
Subject	RE: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:01:08.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:01:08.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:01:00.000 AM

Body	Thanks **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Tuesday, January 11, 2022 11:00 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: Williston I will reach directly out to Charissa and find out. Get Outlook for iOS **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Tuesday, January 11, 2022 10:50:46 AM **To:** Grabowska, Lonnie <lgrabowska@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Williston Do either of you know anything about this? Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1912

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Fwd: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:08:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:08:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:08:21.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 11:02:48 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Many thanx. Dave Kolpack is calling Liz about it as we speak. Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com **From:** Stenehjem, Wayne K. [mailto:wstenehjem@nd.gov] **Sent:** Tuesday, January 11, 2022 10:51 AM **To:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1913

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Fwd: Williston
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:08:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:08:20.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:08:21.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 11:02:48 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Many thanx. Dave Kolpack is calling Liz about it as we speak. Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com **From:** Stenehjem, Wayne K. [mailto:wstenehjem@nd.gov] **Sent:** Tuesday, January 11, 2022 10:51 AM **To:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Subject:** RE: Williston Thanks, Jack. I was not aware of this, but will look into it. Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 10:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com>; Seibel, Troy T. <tseibel@nd.gov>; Kelsch, Mary Kae M. <mkelsch@nd.gov> **Subject:** Williston ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Wayne: I just had a call from Tom Simon, controversial radio guy in Williston. Apparently a bit ago the Williston School Board held an executive session. Some school board members leaked some info about the meeting to Tom. He ran the story on Williston Trending Topics and on Facebook. Last night, while at another school board meeting in the school office, BCI agent Chrissa Remus showed up with a search warrant for Tom's phone signed by Judge Johnson and seized his phone. She said she was authorized by the warrant to search his phone to identify who leaked the info. The AP just called about it. This could be a start of a firestorm. The warrant is a violation of our shield law for a start, and I'm not sure how BCI gets involved with school board matters? Can you check on this? Jack McDonald WHEELER WOLF LAW FIRM Box 1776 Bismarck, ND 58502-1776 Ph: 701-751-1776; Fx: 701-751-1777 jackmcdonald@wheelerwolf.com

Record 1914

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: AMA v. State and Burdick
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:30:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:30:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:30:00.000 AM

Body	I think that has been basically his posture on other cases as well. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 11, 2022 10:36 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: AMA v. State and Burdick Wayne, it looks like SA Burdick has entered into a stipulation with the Plaintiffs in this case, which will allow the county to essentially "sit the case out." Any objections? Even if we had objections, I bet the County would still file… Matt **From:** Scott Porsborg <SPorsborg@smithporsborg.com> **Sent:** Tuesday, January 11, 2022 10:28 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Austin Lafferty <ALafferty@smithporsborg.com> **Subject:** AMA v. State and Burdick ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, I understand you are now the lead on representing the State in the pending abortion case. We represent Birch Burdick in his official capacity, whose position is and always has been "tell me what the law is and I will enforce it." We've been riding the State's coattails in this case, but with the recent depositions it has become more and more expensive for us to participate in the case. I believe we have found a way out of this dilemma. Attached you will find a stipulation that has been approved by Burdick and the plaintiffs' counsel. We didn't want to file it without running it by you. Could you let us know if you have any concerns with the attached document? We'd like to get it filed before any additional depositions take place. Thanks, and feel free to call if you'd like to discuss. Scott K. Porsborg Certified Civil Trial Specialist – National Board of Trial Advocacy Smith Porsborg Schweigert Armstrong Moldenhauer & Smith P.O. Box 460 122 East Broadway Bismarck ND 58502-0460 Phone: 701-258-0630 sporsborg@smithporsborg.com

Record 1915

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: AMA v. State and Burdick
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:30:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:30:46.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 11:30:00.000 AM

Body	I think that has been basically his posture on other cases as well. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 11, 2022 10:36 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: AMA v. State and Burdick Wayne, it looks like SA Burdick has entered into a stipulation with the Plaintiffs in this case, which will allow the county to essentially "sit the case out." Any objections? Even if we had objections, I bet the County would still file… Matt **From:** Scott Porsborg <SPorsborg@smithporsborg.com> **Sent:** Tuesday, January 11, 2022 10:28 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Austin Lafferty <ALafferty@smithporsborg.com> **Subject:** AMA v. State and Burdick ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Matt, I understand you are now the lead on representing the State in the pending abortion case. We represent Birch Burdick in his official capacity, whose position is and always has been "tell me what the law is and I will enforce it." We've been riding the State's coattails in this case, but with the recent depositions it has become more and more expensive for us to participate in the case. I believe we have found a way out of this dilemma. Attached you will find a stipulation that has been approved by Burdick and the plaintiffs' counsel. We didn't want to file it without running it by you. Could you let us know if you have any concerns with the attached document? We'd like to get it filed before any additional depositions take place. Thanks, and feel free to call if you'd like to discuss. Scott K. Porsborg Certified Civil Trial Specialist – National Board of Trial Advocacy Smith Porsborg Schweigert Armstrong Moldenhauer & Smith P.O. Box 460 122 East Broadway Bismarck ND 58502-0460 Phone: 701-258-0630 sporsborg@smithporsborg.com

Record 1916

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 12:58:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 12:58:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 12:58:00.000 PM
Body	Please come down for a visit with me before you do anything further

Record 1917

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	visit
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 12:58:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 12:58:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 12:58:00.000 PM
Body	Please come down for a visit with me before you do anything further

Record 1918

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Newfield
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:01:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:01:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:01:00.000 PM
Body	I have not **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 11, 2022 5:01 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Newfield Did you know the Gov. is preparing a press release for when the Board files its Notice of Appeal for Newfield? That is what I have heard. Have you seen a copy of the Notice yet?

Record 1919

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: Newfield
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:01:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:01:57.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 5:01:00.000 PM
Body	I have not **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 11, 2022 5:01 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Newfield Did you know the Gov. is preparing a press release for when the Board files its Notice of Appeal for Newfield? That is what I have heard. Have you seen a copy of the Notice yet?

Record 1920

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jackmcdonald@wheelerwolf.com
Subject	RE: [The Bismarck Tribune] North Dakota crime bureau adds dog for fire investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:42:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:42:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:42:00.000 PM

Body	He's on it! Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 6:02 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com> **Subject:** [The Bismarck Tribune] North Dakota crime bureau adds dog for fire investigations ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Send Agent Lee after that damn phone! https://bismarcktribune.com/news/state-and-regional/crime-and-courts/north-dakota-crime-bureau-adds-dog-for-fire-investigations/article_4e66bffe-7679-5e02-b006-519e3757189a.html?utm_medium=social&utm_source=email&utm_campaign=user-share

Record 1921

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jackmcdonald@wheelerwolf.com
Subject	RE: [The Bismarck Tribune] North Dakota crime bureau adds dog for fire investigations
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:42:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:42:12.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/11/2022 8:42:00.000 PM
Body	He's on it! Wayne **From:** Jack McDonald <jackmcdonald@wheelerwolf.com> **Sent:** Tuesday, January 11, 2022 6:02 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** McDonald, Jack <jackmcdonald@wheelerwolf.com> **Subject:** [The Bismarck Tribune] North Dakota crime bureau adds dog for fire investigations ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Send Agent Lee after that damn phone! https://bismarcktribune.com/news/state-and-regional/crime-and-courts/north-dakota-crime-bureau-adds-dog-for-fire-investigations/article_4e66bffe-7679-5e02-b006-519e3757189a.html?utm_medium=social&utm_source=email&utm_campaign=user-share

Record 1922

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:46:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:46:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:46:00.000 AM

Body	§44-04-19.1
CC	tseibel@nd.gov

Record 1923

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:46:19.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:46:19.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 8:46:00.000 AM
Body	§44-04-19.1
CC	tseibel@nd.gov

Record 1924

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:19:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:19:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:19:55.000 AM

Body	§44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 13, 2022 9:18:38 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: my proposed response to WV ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Jan 13, 2022, at 8:48 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: ***EXTERNAL TO GT*** §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1925

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:19:46.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:19:54.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 9:19:55.000 AM

Body	§44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 13, 2022 9:18:38 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: my proposed response to WV ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Jan 13, 2022, at 8:48 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: ***EXTERNAL TO GT*** §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1926

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Commerce ERG Grants
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:32:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:32:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:32:00.000 AM
Body	Very well. Let me know who they are when you learn of it. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, January 13, 2022 10:14 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Commerce ERG Grants I just want to let you know that Commerce will be asking our office to help with collecting payment for 36 Economic Resiliency Grants, also known as ERG Grants. It sounds like the 36 entities receiving such grants may have failed to comply with the terms of the grant agreements.

Record 1927

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Commerce ERG Grants
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:32:27.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:32:27.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:32:00.000 AM
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Record 1928

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	FW: Leadership Everywhere and Development Opportunities Available!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:33:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:33:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:33:00.000 AM

Body

From: Herrington, Molly J. <mherrington@nd.gov>
Sent: Thursday, January 13, 2022 10:31 AM
To: -Info-HRMS Training <hrmstraining@nd.gov>
Subject: Leadership Everywhere and Development Opportunities Available!

Happy New Year!

It's a New Year and a new chance for you to enhance the your leadership skills and deepen the leadership bench for your team. Let these upcoming Leadership Everywhere classes inspire great leadership – the leadership our citizens deserve. As you consider the Leadership Everywhere opportunities below, challenge yourself to examine, "what will you do differently in 2022 to bring greater success to your role and your team." Sign up today, and share this information throughout your agency to encourage participation at all levels!

Special Event: Discover and Honor Your Mission: 4 Lessons From a 50 State Journey

Discover and honor your mission through a special event that the state of North Dakota is a part of with the Bismarck-Mandan Young Professionals Network (all are invited). This year's Epic Impact Event features speaker, Janine Stange, is best known for her historic journey to sing the Star-Spangled Banner in all 50 states – a mission she embarked on to honor our brave.

Tuesday, Jan. 18, 2022 | 6:00 p.m. registration | 6:45 p.m. presentation + meet and greet to follow

In-person: Belle Mehus Auditorium in Bismarck. Limited number available - **email hrmstraining@nd.gov to secure your free, in-person ticket** today. Masks are encouraged.

Virtual: Add to your calendar

Leadership Everywhere – Live Virtual Sessions

Leadership Everywhere courses are *offered at no cost* and through a variety of platforms. Sign up using the code listed in the table via PeopleSoft. **Did you know?** Leadership Everywhere courses are also available online, on-demand to be taken at your convenience through PeopleSoft.

January & February

Name	Class Code	Type	
Leadership Everywhere for People Managers - How to Manage Workload When Everything is Important	**34991**	Teams Meeting	1
Leadership Everywhere for Everyone - Healthy, Productive Conflict	**34993**	Teams Meeting	2
Leadership Everywhere for Everyone - The Rewards of a Transparent Workplace	**34994**	Teams Meeting	2
Leadership Everywhere for People Managers - Candid Conversations	**34995**	Teams Meeting	2
Leadership Everywhere for People Managers - Bringing Out Your Team's Best	**34996**	Teams Meeting	2

Change Management

Body	Claim your seat today in PeopleSoft. In addition to the live sessions highlighted below, there are several Change Management trainings available on-demand through PeopleSoft. Learn more on Team ND Connect.

Name	Class Code	Type	Date
Change Management: Fundamentals	**34962**	Zoom Mtg	1/20/2022
Change Management: Managers	**34970**	Zoom Mtg	2/17/2022
Change Management: Practitioner	**34990**	Zoom Mtg	3/14, 3/15, 3/16

Thank you for taking the time to invest in yourself through these sessions! If you have questions about a class or how to register, please contact hrmstraining@nd.gov.

Live Training Sessions

Sign up using the code listed in the table via PeopleSoft.

Name	Class Code	Type	Date
Colors Personality Assessment	**34702**	Teams	1/13/2022
Introduction to StrengthFinder	**34703**	Teams	1/20/2022
Introduction to Supervision	**34704**	Teams	2/23 & 2/24
Emotional Intelligence	**34705**	Teams	3/10/2022

Book Discussion Groups

Expand your world view and learning through interactive book discussions facilitated by the State Library. Participants will be sent a book from the State Library and will have several weeks to read the book. Book discussions will take place over Teams and will be led by a State Library team member. Sign up using the code listed in the table via PeopleSoft.

Name	Class Code	Type	Date
The Hate U Give by Angie Thomas	**33983**	Teams	2/17 and 2/24
Between the World and Me by Ta-Nehisi Coates	**34063**	Teams	2/18 and 2/25
Leadershift: The 11 Essential Changes Every Leader Must Embrace by John C. Maxwell	**34064**	Teams	3/17 and 3/24
The Person You Mean to Be: How Good People Fight bias by Dolly Chugh	**34065**	Teams	3/18 and 3/25

LinkedIn Learning – Sign-up Today

The State has purchased a block of licenses available for $55/person per year. If you are interested in securing a license please talk with your supervisor or agency HR representative and then **contact hrmstraining@nd.gov to enroll**.

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Molly Herrington
Director of Leadership and Learning

701.328.4735 • 701.202.0500 (m) • mherrington@nd.gov • www.nd.gov

Attachments	image001[15296].jpg, image003[15297].png

Record 1929

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov
Subject	FW: Leadership Everywhere and Development Opportunities Available!
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:33:01.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:33:02.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 10:33:00.000 AM

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From: Herrington, Molly J. <mherrington@nd.gov>
Sent: Thursday, January 13, 2022 10:31 AM
To: -Info-HRMS Training <hrmstraining@nd.gov>
Subject: Leadership Everywhere and Development Opportunities Available!

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Molly Herrington
Director of Leadership and Learning

701.328.4735 • 701.202.0500 (m) • mherrington@nd.gov • www.nd.gov

Attachments	image001[11913].jpg, image003[11914].png

Record 1930

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, jnicolai@nd.gov
Subject	RE: 21a244_hgci.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:03:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:03:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:03:00.000 PM

Body	Reading it now…. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, January 13, 2022 1:44 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Nicolai, James E. <jnicolai@nd.gov> **Cc:** Titus, Courtney R. <ctitus@nd.gov> **Subject:** 21a244_hgci.pdf OSHA rule is stayed.
CC	ctitus@nd.gov

Record 1931

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, jnicolai@nd.gov
Subject	RE: 21a244_hgci.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:03:16.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:03:16.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 2:03:00.000 PM
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CC	ctitus@nd.gov

Record 1932

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	starting point
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:01:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:01:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:01:00.000 PM
Body	I can appreciate the distinction the Supreme Court made between the OSHA mandate for workers generally and the CMS mandates for medical workers, but I continue to have concerns about the effect of the ruling for retaining health care workers, who may elect to simply quit, rather than get the vaccine, especially in our rural medical facilities

Record 1933

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	starting point
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:01:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:01:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:01:00.000 PM

Body	I can appreciate the distinction the Supreme Court made between the OSHA mandate for workers generally and the CMS mandates for medical workers, but I continue to have concerns about the effect of the ruling for retaining health care workers, who may elect to simply quit, rather than get the vaccine, especially in our rural medical facilities

Record 1934

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, mkelsch@nd.gov, bkdemellorice@nd.gov
Subject	FW: BURGUM NAMES MANDAN ATTORNEY RYAN NORRELL AS GOVERNOR'S OFFICE GENERAL COUNSEL
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:12:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:12:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:12:00.000 PM
Body	

From: Nowatzki, Mike <mnowatzki@nd.gov>
Sent: Thursday, January 13, 2022 3:10 PM
To: Nowatzki, Mike <mnowatzki@nd.gov>
Subject: BURGUM NAMES MANDAN ATTORNEY RYAN NORRELL AS GOVERNOR'S OFFICE GENERAL COUNSEL

NEWS: FOR IMMEDIATE RELEASE

Burgum names Mandan attorney Ryan Norrell as Governor's Office general counsel effective Feb. 28

VIEW THIS RELEASE ONLINE: governor.ND.gov

BISMARCK, N.D. (JAN. 13, 2022) – Gov. Doug Burgum today announced that Mandan attorney Ryan Norrell will serve as the next general counsel for the Governor's Office, effective Feb. 28, citing his broad experience in both the private and public sectors, including as legal counsel for the North Dakota Public Service Commission (PSC) and as state's attorney for LaMoure County.

Norrell has served as general counsel for Farm Credit Services of Mandan since 2015, managing the legal functions of the customer-owned financial cooperative. He previously served as an attorney focused on water law at Dwyer Law Office in Bismarck and as legal counsel for the PSC, focusing on the Public Utility Division. Prior to that, Norrell operated his own law practice in LaMoure, serving as the elected state's attorney in LaMoure County from 2011 to 2013 and as city attorney for multiple cities.

"Ryan brings a broad range of experience in government and the private sector, from working on critical water issues and testifying before legislative committees to providing legal advice to county and city officials and arguing criminal matters before the North Dakota Supreme Court," Burgum said. "He also has represented North Dakota farmers and ranchers and has the ability to translate the law into common language to serve clients of all backgrounds. Combined with his work in state government and on federal issues, his diverse background and expertise will serve the citizens of North Dakota well."

Norrell earned his bachelor's degree in 2006 from Saint Mary's University of Minnesota and his law degree in 2009 from the University of North Dakota School of Law. He has been a member of the State Bar Association's Ethics Committee since 2018.

Norrell will succeed current General Counsel Leslie Bakken Oliver, who has served in the Governor's Office since Burgum and Lt. Gov. Brent Sanford took office on December 2016. Bakken Oliver announced her retirement in August pending the transition to a new general counsel. Burgum expressed his deepest gratitude for Bakken Oliver's exceptional service to the State of North Dakota.

— # # # —

CONTACT:

Mike Nowatzki
mnowatzki@nd.gov
701.328.2424

Mike Kennedy
mikekennedy@nd.gov
701.328.2937

600 E Boulevard Ave.
Bismarck ND 58505-0001
PHONE *701.328.2200*

Attachments	image001[15317].png, image003[15318].png, image004[15319].png, image005[15320].png, image006[15321].png, image007[15322].jpg

Record 1935

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, masagsve@nd.gov, mkelsch@nd.gov, bkdemellorice@nd.gov
Subject	FW: BURGUM NAMES MANDAN ATTORNEY RYAN NORRELL AS GOVERNOR'S OFFICE GENERAL COUNSEL
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:12:46.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:12:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:12:00.000 PM
Body	

From: Nowatzki, Mike <mnowatzki@nd.gov>
Sent: Thursday, January 13, 2022 3:10 PM
To: Nowatzki, Mike <mnowatzki@nd.gov>
Subject: BURGUM NAMES MANDAN ATTORNEY RYAN NORRELL AS GOVERNOR'S OFFICE GENERAL COUNSEL

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mikekennedy@nd.gov
701.328.2937

600 E Boulevard Ave.
Bismarck ND 58505-0001
PHONE *701.328.2200*

Attachments	image001[11931].png, image003[11932].png, image004[11933].png, image005[11934].png, image006[11935].png, image007[11936].jpg

Record 1936

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mark@onecommonwealthva.com
Subject	thanks
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:14:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:14:33.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:14:00.000 PM
Body	Mark, Thanks for your steadfast service to the people of Virginia and your support of the rest of the AG community. Best to you in all your future endeavors. Wayne Stenehjem North Dakota AG

Record 1937

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mark@onecommonwealthva.com
Subject	thanks
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:14:33.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:14:33.000 PM
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Record 1938

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:57:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:57:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:57:00.000 PM

Body	**From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Thursday, January 13, 2022 3:56 PM **To:** NDAG News Release <ndagnews@nd.gov> **Subject:** Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates **NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-328-2213* January 13, 2022 **Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates** I am pleased that the Supreme Court, by a 6- 3 vote, held that the federal Occupational Safety & Health Administration lacked constitutional authority under its "workplace safety" regulations to impose a vaccine mandate that would have affected more than 80 million employees across the country. As the Supreme Court majority opinion stated, "Although Congress has indisputably given OSHA the power to regulate occupational dangers, it has not given that agency the power to regulate public health more broadly." I can appreciate the distinction the Supreme Court made between the OSHA mandate for workers generally and the CMS mandates for medical workers, but I continue to have serious concerns about the effect the ruling will have on retaining health care workers, many of whom may elect to simply quit rather than get the vaccine, seriously exacerbating staffing issues, especially in our rural medical facilities. As I have emphasized from the beginning, the lawsuits were not about whether people should get vaccinated, they were about opposing federal overreach. Two other lawsuits continue, one against the federal mandate for federal contractors, and the other for employees, volunteers, and children with Head Start programs. ###

Record 1939

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	wstenehjem@aol.com
Subject	FW: Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:57:57.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:57:58.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 3:57:00.000 PM

Body	**From:** -Info-Attorney General <ndag@nd.gov> **Sent:** Thursday, January 13, 2022 3:56 PM **To:** NDAG News Release <ndagnews@nd.gov> **Subject:** Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates **NEWS RELEASE-Office of Attorney General** *Media contact: Liz Brocker, 701-328-2213* January 13, 2022 **Statement of Attorney General Wayne Stenehjem in response to today's Supreme Court decisions on vaccine mandates** I am pleased that the Supreme Court, by a 6- 3 vote, held that the federal Occupational Safety & Health Administration lacked constitutional authority under its "workplace safety" regulations to impose a vaccine mandate that would have affected more than 80 million employees across the country. As the Supreme Court majority opinion stated, "Although Congress has indisputably given OSHA the power to regulate occupational dangers, it has not given that agency the power to regulate public health more broadly." I can appreciate the distinction the Supreme Court made between the OSHA mandate for workers generally and the CMS mandates for medical workers, but I continue to have serious concerns about the effect the ruling will have on retaining health care workers, many of whom may elect to simply quit rather than get the vaccine, seriously exacerbating staffing issues, especially in our rural medical facilities. As I have emphasized from the beginning, the lawsuits were not about whether people should get vaccinated, they were about opposing federal overreach. Two other lawsuits continue, one against the federal mandate for federal contractors, and the other for employees, volunteers, and children with Head Start programs. ###

Record 1940

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 5:57:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 5:57:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 5:57:42.000 PM

Body	§44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 13, 2022 5:56:20 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: my proposed response to WV ***** CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Jan 13, 2022, at 8:20 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: §44-04-19.1 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 13, 2022 9:18:38 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: my proposed response to WV ***** CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 On Jan 13, 2022, at 8:48 AM, Stenehjem, Wayne K. <wstenehjem@nd.gov> wrote: ***EXTERNAL TO GT*** §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1941

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: my proposed response to WV
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 5:57:20.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/13/2022 5:57:41.000 PM
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Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov
Subject	RE: §44-04-18.3; §44-04-18.7 for Case # §44-04-18.3; §44-04
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:27:41.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:27:42.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:27:00.000 AM

Body	This is great work! **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Thursday, January 13, 2022 6:41 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Fwd: SEAR-2022-01923 for Case #IM-19-0019 Wayne and Troy, Please see below and update on a joint narcotics case led by the Fargo task force and partnered with DEA. The agents and the TF did a great job! The case was quite lengthy and took numerous days of surveillance. Lonnie Get Outlook for iOS **From:** Borowski, Stephen G. <Stephen.G.Borowski@dea.gov> **Sent:** Thursday, January 13, 2022 5:11 PM **To:** Denis E. Otterness; David Zibolski; Shane.P.Conroy@ice.dhs.gov; Franklin, Shelby; Grabowska, Lonnie; Jahner, Jesse F.; Miller, Casey J.; Shannon Monroe; Mark Empting **Cc:** VonTrytek (Warner), Angela S. **Subject:** FW: SEAR-2022-01923 for Case #IM-19-0019 ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** All, Great job yesterday to everyone with the arrest of MOORE. Below is what was put out DEA-wide from the Omaha Division. This is another great example of the cooperation here, and the greater Community is certainly safer with MOORE off the street. As always, thank you for the partnerships. Steve Stephen G. Borowski Resident Agent in Charge U.S. Drug Enforcement Administration Fargo Resident Office Bismarck Post of Duty Desk: §44-04-18.3 Cell: §44-04-18.3 **Significant Activity:** Arrests; Seized Currency; Seized Drugs; Seized Vehicles; Seized Weapons **Summary of Significant Activity:** §44-04-18.3; §44-04-18.7 **Summary of Enforcement Activity:** §44-04-18.3; §44-04-18.7

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Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov
Subject	RE: §44-04-18.3; §44-04-18.7 for Case #§44-04-18.3; §44-04-
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 6:27:41.000 AM
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Record 1944

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: AG Alliance Roundup January 14, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 8:29:32.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 8:29:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 8:29:00.000 AM

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From: The Attorney General Alliance <psalazar+agalliance.org@ccsend.com>
Sent: Friday, January 14, 2022 8:05 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: AG Alliance Roundup January 14, 2022

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Announcements, information and updates from the AG Alliance M

ATTORNEY

Announcements, information & updates from the Attorney Gene
January 14, 2022

ATTORNEY GENERAL

January
HUMAN TRAFFICKI
Awareness Month

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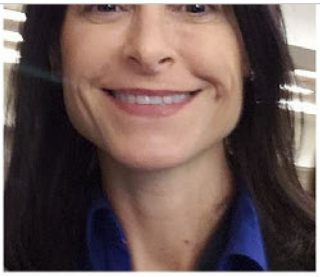
Body	

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â€œEvery year, there are thousands of reported human trafficking cases across the United States â€“ including right here in California. Whether itâ€™s for sex or labor, abusing power to force or coerce someone into doing something against their will is wrong. At the California Department of Justice, weâ€™re committed to standing up for survivors, disrupting and dismantling human trafficking rings, and securing justice. However, it takes all of us to combat human trafficking. I urge businesses across the state to use the resources weâ€™re sharing today to help put an end to trafficking in California. If you or someone you know has been affected by human trafficking, there are resources available to you. You are not alone.â€
--California Attorney General Rob Bonta

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TraffickSTOP is both a human trafficking identification and prevention curriculum for high school students, as well as training for law enforcement to deliver the curriculum in schools. Newport News School resource officers will deliver the curriculum to students, along with members of the Hampton Roads Human Trafficking Task Force and others, and with support from other community stakeholders.

Body

â€œI am incredibly proud of the work that the Hampton Roads Human Trafficking Task Force has done to combat human trafficking in the region, and their selection to participate in this program shows just how impactful their work has been. The sad reality is that unscrupulous people will prey on young, impressionable people, which is why itâ€™s so important that Virginiaâ€™s youth are armed with the tools they need to help protect themselves and others.â€
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Body	ROBOCALLS

Body

A bipartisan group of 51 attorneys general is working to stop international scam calls. In a comment letter, the coalition urged the Federal Communications Commission (FCC) to put in place measures that will help stem the tide of foreign-based illegal robocalls that attempt to scam Americans.

The 51 attorneys general are calling for the FCC to require gateway providers â€" the companies that allow foreign calls into the United States â€" to take steps to reduce how easily robocalls have been able to enter the U.S. telephone network, including implementing STIR/SHAKEN, a caller ID authentication technology that helps prevent spoofed calls. Gateway providers should be required to implement this technology within 30 days of it becoming a rule to help eliminate spoofed calls and to make sure that international calls that originate from U.S. telephone numbers are legitimate. In December the coalition of 51 attorneys general successfully persuaded the FCC to shorten by a year the deadline for smaller telephone companies to implement STIR/SHAKEN.

The attorneys general are also encouraging the FCC to require all phone companies to block calls from a gateway provider if it fails to meet these requirements. Illegal robocalls are a scourge â€" in 2020, Americans lost more than $520 million through robocall scams.

Attorneys General in the coalition that joined in sending this letter to the FCC includes Alabama , Alaska , Arizona , Arkansas , California , Colorado , Connecticut , Delaware, District of Columbia, Florida , Georgia, Hawaii , Idaho, Illinois, Indiana , Iowa, Kansas , Kentucky , Louisiana, Maine, Maryland, Massachusetts , Michigan, Minnesota, Mississippi, Missouri , Montana, Nebraska , Nevada, New Hampshire , New Jersey, New Mexico, New York, North Carolina , North Dakota, Ohio , Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina , South Dakota, Tennessee, Texas , Utah , Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

Body

STUDENT DEBT

ipartisan coalition of 39 attorneys general secured $1.85 billion from Navient, one of the nation's lar
lent loan servicers, resolving allegations of widespread unfair and deceptive student loan servicing practices
ses in originating predatory student loan and resolved allegations that Navient harmed student borrowers. As
he total $1.85 billion in relief, Navient will pay $1.7 billion in debt forgiveness and $95 million in restitution to fo
tents across the country. The settlement agreement, which concludes a nearly five- year investigation into
pany, states that Navient will also reform its practices and pay penalties of $46.9 million to the states.

ona, Arkansas, California, Colorado, Connecticut, Delaware, DistrictofColumbia, Florida, Georgia, Ha
, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnes
souri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolin a, Ohio, Oregc
nsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia
consin signed the settlement.

Body	

Mississippi Attorney General Lynn Fitch announced that Mississippi also entered into a stand alone settlement with Navient to resolve allegations of unfair and deceptive student loan servicing practices. The settlement will require court approval.

Relief terms in this settlement include improved notification of options available to borrowers, as well as training for loan specialists on how to advise distressed borrowers about alternative repayment options and how to counsel eligible borrowers about Public Service Loan Forgiveness (PSLF). Terms also prohibit compensating customer service agents in a way that incentivizes them to minimize the time they spend counseling borrowers.

Body

ORGANIZED RETAIL CRIME

Florida Attorney General Ashley Moody is working with state legislators to address organized retail theft in Florida. Attorney General Moody held a news conference with lawmakers in Hialeah to announce legislative efforts to help law enforcement and prosecutors dismantle retail theft crime rings. The announcement comes one week before Floridaâ€™s 2022 Legislative Session begins.

FORCE is a statewide task force and database to help spot trends, identify suspects and take down massive, organized retail theft rings. The database is designed to bridge the gap between retailers, law enforcement and prosecutors by allowing shareable, searchable information on theft incidents statewide.

To help bolster the effectiveness of FORCE, the Florida Attorney Generalâ€™s Office will partner with state legislators this session to seek to remove barriers to prosecution for what is clearly organized criminal activity. Upcoming legislation will provide a targeted revision to current statutes determining the felony status for retail theft when someone steals multiple items from multiple locations in a short period of time. These changes would strengthen the laws on the books to allow prosecutors to bring stronger penalties against criminals who commit crimes across the state to avoid justice.

Organized retail theft is on the rise nationwide, and the Attorney General Alliance is dedicated to ensuring all states remains ahead of the trend to help prevent the retail crime wave.

Body

"Weâ€™ve seen the damage and disorder caused by brazen criminals across the country through terrifying smash-and-grab robberies, and we must continue to innovate to stay ahead of this national crime trend.â€
-- Florida Attorney General Ashley Moody

COMBATTING DRUGS

Body

Arizona Attorney General Mark Brnovich and **West Virginia Attorney General Patrick Morrisey** co- led 15 other states urging the U.S. Department of State to take a tougher approach to stem the influx of deadly fentanyl into their states and the nation as a whole. In their letter, sent to U.S. Secretary of State Antony Blinken, the attorneys general outlined their concerns about the production and distribution of fentanyl. The attorneys general are asking Secretary Blinken and his department to take a tougher stance on stopping the influx of deadly fentanyl from China and Mexico.

The following states joined the coalition: Alabama, Alaska, Arizona, Arkansas, Florida , Georgia, Indiana, Kansas, Kentucky, Mississippi, Missouri , Montana, South Carolina, South Dakota, Texas, and West Virginia.

Body

COVID MANDATES - SCOTUS DECISIONS

On Thursday, the Supreme Court blocked enforcement of the Biden administrationâ€™s COVID- 19 vaccine- or- test mandate for workers at large businesses but allowed enforcement of a similar mandate for certain health care workers.

While challenges to the mandates from businesses and a number of states were returned to lower courts, the ruling suggests that the justices are likely to rule against the business rule if the case reaches the court again.

National Federation of Independent Business v. Occupational Safety and Health Administration

By a 6- 3 vote, the Court stayed application of an emergency rule adopted by OSHA that would have required all employers with at least 100 employees to require their workers to receive a COVID- 19 vaccine or else obtain a medical test each week at their own expense and on their own time, and also wear a mask each workday.

Biden v. Missouri

By a 5- 4 vote, the Court stayed injunctions that had barred operation of a rule adopted by the Secretary of Health and Human Services that, â€œin order to receive Medicare and Medicaid funding, participating facilities must ensure that their staffâ€"unless exempt for medical or religious reasonsâ€"are vaccinated against COVIDâ€"19.â€

As the United States Supreme Court made these decisions regarding COVID- 19 mandates, attorneys general nationwide issued the following statements:

Body	**VIRTUAL SEMINAR LIBRARY** Missed our live programs? **No problem**! Follow the button below to visit our Virtual Seminar Library for access to all recordings. Do you have a webinar topic suggestion? We want to hear from you! Please email ideas to Patricia Salazar at PSalazar@AGAlliance.org.

Body	

Record 1945

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: AG Alliance Roundup January 14, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 8:29:32.000 AM
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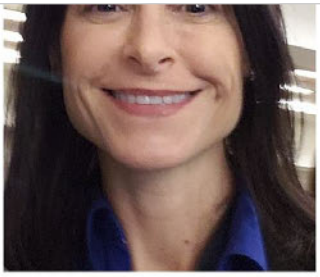
Body	

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Body

STUDENT DEBT

ipartisan coalition of 39 attorneys general secured $1.85 billion from Navient, one of the nation's lar
lent loan servicers, resolving allegations of widespread unfair and deceptive student loan servicing practices
ses in originating predatory student loan and resolved allegations that Navient harmed student borrowers. As
he total $1.85 billion in relief, Navient will pay $1.7 billion in debt forgiveness and $95 million in restitution to fo
tents across the country. The settlement agreement, which concludes a nearly five- year investigation into
pany, states that Navient will also reform its practices and pay penalties of $46.9 million to the states.

ona, Arkansas, California, Colorado, Connecticut, Delaware, DistrictofColumbia, Florida, Georgia, Ha
, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnes
souri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolin a, Ohio, Oregc
nsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia
consin signed the settlement.

Body	**Mississippi Attorney General Lynn Fitch** announced that Mississippi also entered into a stand alone settlement with Navient to resolve allegations of unfair and deceptive student loan servicing practices. The settlement will require court approval. Relief terms in this settlement include improved notification of options available to borrowers, as well as training for loan specialists on how to advise distressed borrowers about alternative repayment options and how to counsel eligible borrowers about Public Service Loan Forgiveness (PSLF). Terms also prohibit compensating customer service agents in a way that incentivizes them to minimize the time they spend counseling borrowers.

Body

ORGANIZED RETAIL CRIME

Florida Attorney General Ashley Moody is working with state legislators to address organized retail theft in Florida. Attorney General Moody held a news conference with lawmakers in Hialeah to announce legislative efforts to help law enforcement and prosecutors dismantle retail theft crime rings. The announcement comes one week before Floridaâ€™s 2022 Legislative Session begins.

FORCE is a statewide task force and database to help spot trends, identify suspects and take down massive, organized retail theft rings. The database is designed to bridge the gap between retailers, law enforcement and prosecutors by allowing shareable, searchable information on theft incidents statewide.

To help bolster the effectiveness of FORCE, the Florida Attorney Generalâ€™s Office will partner with state legislators this session to seek to remove barriers to prosecution for what is clearly organized criminal activity. Upcoming legislation will provide a targeted revision to current statutes determining the felony status for retail theft when someone steals multiple items from multiple locations in a short period of time. These changes would strengthen the laws on the books to allow prosecutors to bring stronger penalties against criminals who commit crimes across the state to avoid justice.

Organized retail theft is on the rise nationwide, and the Attorney General Alliance is dedicated to ensuring all states remains ahead of the trend to help prevent the retail crime wave.

Body

"Weâ€™ve seen the damage and disorder caused by brazen criminals across the country through terrifying smash-and-grab robberies, and we must continue to innovate to stay ahead of this national crime trend.â€
-- Florida Attorney General Ashley Moody

COMBATTING DRUGS

Body

Arizona Attorney General Mark Brnovich and **West Virginia Attorney General Patrick Morrisey** co- led 15 other states urging the U.S. Department of State to take a tougher approach to stem the influx of deadly fentanyl into their states and the nation as a whole. In their letter, sent to U.S. Secretary of State Antony Blinken, the attorneys general outlined their concerns about the production and distribution of fentanyl. The attorneys general are asking Secretary Blinken and his department to take a tougher stance on stopping the influx of deadly fentanyl from China and Mexico.

The following states joined the coalition: Alabama, Alaska, Arizona, Arkansas, Florida , Georgia, Indiana, Kansas, Kentucky, Mississippi, Missouri , Montana, South Carolina, South Dakota, Texas, and West Virginia.

Body

COVID MANDATES - SCOTUS DECISIONS

On Thursday, the Supreme Court blocked enforcement of the Biden administrationâ€™s COVID- 19 vaccine- or- test mandate for workers at large businesses but allowed enforcement of a similar mandate for certain health care workers.

While challenges to the mandates from businesses and a number of states were returned to lower courts, the ruling suggests that the justices are likely to rule against the business rule if the case reaches the court again.

National Federation of Independent Business v. Occupational Safety and Health Administration

By a 6- 3 vote, the Court stayed application of an emergency rule adopted by OSHA that would have required all employers with at least 100 employees to require their workers to receive a COVID- 19 vaccine or else obtain a medical test each week at their own expense and on their own time, and also wear a mask each workday.

Biden v. Missouri

By a 5- 4 vote, the Court stayed injunctions that had barred operation of a rule adopted by the Secretary of Health and Human Services that, â€œin order to receive Medicare and Medicaid funding, participating facilities must ensure that their staffâ€"unless exempt for medical or religious reasonsâ€"are vaccinated against COVIDâ€"19.â€

As the United States Supreme Court made these decisions regarding COVID- 19 mandates, attorneys general nationwide issued the following statements:

Body	**VIRTUAL SEMINAR LIBRARY** Missed our live programs? **No problem**! Follow the button below to visit our Virtual Seminar Library for access to all recordings. Do you have a webinar topic suggestion? We want to hear from you! Please email ideas to Patricia Salazar at PSalazar@AGAlliance.org.

Body	

Record 1946

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mmahoney@nd.gov
Subject	RE: A Message of Condolences
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:00:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:00:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:00:00.000 AM

Body	I am so very sorry for your loss, Mike. Let me know if there's anything you need. Wayne **From:** Mahoney, Michael <mmahoney@nd.gov> **Sent:** Friday, January 14, 2022 8:54 AM **To:** Eisenbeis, Ashley <aeisenbeis@nd.gov>; -Grp-AG All Staff <agall@nd.gov> **Subject:** RE: A Message of Condolences Thanks all. Michael T. Mahoney Assistant Attorney General (701)- 328-3607 **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Friday, January 14, 2022 8:24 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** A Message of Condolences Good morning all, Please note that Mike Mahoney's mother passed away earlier this week. Mike is an Assistant Attorney General within the Special Prosecutions Unit. Our sympathies and condolences go out to him and his family during this difficult time, and we ask that you keep him and his family in your thoughts. The Prairie Rose Fund will be sending a memorial gift. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**

Record 1947

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mmahoney@nd.gov
Subject	RE: A Message of Condolences
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:00:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:00:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 9:00:00.000 AM

Body	I am so very sorry for your loss, Mike. Let me know if there's anything you need. Wayne **From:** Mahoney, Michael <mmahoney@nd.gov> **Sent:** Friday, January 14, 2022 8:54 AM **To:** Eisenbeis, Ashley <aeisenbeis@nd.gov>; -Grp-AG All Staff <agall@nd.gov> **Subject:** RE: A Message of Condolences Thanks all. Michael T. Mahoney Assistant Attorney General (701)- 328-3607 **From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Friday, January 14, 2022 8:24 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** A Message of Condolences Good morning all, Please note that Mike Mahoney's mother passed away earlier this week. Mike is an Assistant Attorney General within the Special Prosecutions Unit. Our sympathies and condolences go out to him and his family during this difficult time, and we ask that you keep him and his family in your thoughts. The Prairie Rose Fund will be sending a memorial gift. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**

Record 1948

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov
Subject	FW: Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Departme nt of Interior et al Order on Motion for Writ of Mandamus
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:12:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:12:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:12:00.000 AM

Body	§44-04-19.1 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Friday, January 14, 2022 9:49 AM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Department of Interior et al Order on Motion for Writ of Mandamus ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1
CC	tseibel@nd.gov

Record 1949

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov
Subject	FW: Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Departme nt of Interior et al Order on Motion for Writ of Mandamus
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:12:51.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:12:51.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 10:12:00.000 AM

Body	§44-04-19.1 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Friday, January 14, 2022 9:49 AM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:21-cv-00148-DMT-CRH State of North Dakota v. United States Department of Interior et al Order on Motion for Writ of Mandamus ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1
CC	tseibel@nd.gov

Record 1950

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, tseibel@nd.gov
Subject	Judge Traynor Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:08:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:08:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:08:00.000 PM

Body	§44-04-19.1 [redacted]

Record 1951

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, masagsve@nd.gov, tseibel@nd.gov
Subject	Judge Traynor Order
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:08:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:08:34.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 12:08:00.000 PM
Body	§44-04-19.1 [redacted]

Record 1952

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:50:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:50:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:50:00.000 PM

Body	§44-04-19.1 **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 14, 2022 2:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com **Subject:** FW: 20220114_DAPL_EIS_MeetingFollowUp §44-04-19.1 **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: §44-04-19.1 Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045
CC	tseibel@nd.gov

Record 1953

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	RE: 20220114_DAPL_EIS_MeetingFollowUp
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:50:59.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:50:59.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 2:50:00.000 PM

Body	§44-04-19.1 **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Friday, January 14, 2022 2:49 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; sebyp@gtlaw.com **Subject:** FW: 20220114_DAPL_EIS_MeetingFollowUp §44-04-19.1 **From:** Cossette, Brent J CIV USARMY CENWO (USA) <Brent.J.Cossette@usace.army.mil> **Sent:** Friday, January 14, 2022 2:44 PM **To:** Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Deichert, Meagan J CIV USARMY CENWO (USA) <Meagan.J.Deichert@usace.army.mil>; Shelman, Johnathan A (John) CIV USARMY CENWO (USA) <Johnathan.A.Shelman@usace.army.mil>; Jacobsen, Julie A CIV USARMY CENWO (USA) <Julie.A.Jacobsen@usace.army.mil> **Subject:** 20220114_DAPL_EIS_MeetingFollowUp ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Mr. Sagsveen: §44-04-19.1 Thank you, Brent Cossette Project Manager and Plan Formulator CENWO-PMA-A Omaha District 1616 Capitol Avenue Suite 9000 Omaha, NE 68102 Work: 402-995-2045
CC	tseibel@nd.gov

Record 1954

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Fwd: Follow up questions - FW: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 4:59:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 4:59:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 4:59:57.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, January 14, 2022 3:35:14 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Follow up questions - FW: FYI I highlighted Adam's follow up questions, below. Liz **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:30 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz, Thank you for this! This is a very helpful in summary of the important points in Judge Traynor's decision. I have two follow-up questions, if possible. During the hearing earlier this week, Judge Traynor suggested that North Dakota could intervene in the similar lawsuit of a group of other states that was recently appealed up to the Fifth Circuit. **Is North Dakota considering taking that step?** Also, the attorney general's statement noted that the state's request "could be ordered at a later time in the litigation" as the case proceeds. **Does the state need to pursue a motion for summary judgment, or take any other specific steps, in order to keep pursuing this case in Judge Traynor's court?** Thank you again for your help! Adam On Fri, Jan 14, 2022 at 3:21 PM Brocker, Liz <lbrocker@nd.gov> wrote: **Statement of Attorney General Wayne Stenehjem in response to today's federal District Court decision on BLM Oil and Gas Lease Sales** We appreciate the Court's desire to have additional information before issuing an order requiring BLM to hold the statutory quarterly lease sales, and understand, given BLM's promise to hold a lease sale in February and again in the quarter thereafter, why the Court would want to wait and gather more information before making a final decision. The Court denied our request for now without prejudice, which means that as the case proceeds, our request could be ordered at a later time in the litigation. The Court specifically stated that "if the Defendants do not hold to their word and cancel any planned future sale, North Dakota may bring this action for review of the specifically cancelled sales once this Court has the benefit of a complete record." The Court also noted that there is already an existing nationwide preliminary injunction restraining the federal government from implementing its disputed "pause" on new oil and gas leasing on federal lands. North Dakota will be closely following the actions of the federal government agencies as they now proceed with the promised lease sales in February and thereafter. We are fully prepared to hold their feet to the fire and will not hesitate to bring the matter before the Court again as the circumstances warrant. **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:03 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** No, I missed this! Thank you for sending it over. Do you know if the Attorney General or Paul Seby would have a few minutes yet today to talk about the ruling? Thank you again for the heads up, On Fri, Jan 14, 2022 at 3:01 PM Brocker, Liz <lbrocker@nd.gov> wrote: Not sure if you saw this. Liz -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 1955

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Fwd: Follow up questions - FW: FYI
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 4:59:50.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 4:59:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 4:59:57.000 PM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, January 14, 2022 3:35:14 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Follow up questions - FW: FYI I highlighted Adam's follow up questions, below. Liz **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:30 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Liz, Thank you for this! This is a very helpful in summary of the important points in Judge Traynor's decision. I have two follow-up questions, if possible. During the hearing earlier this week, Judge Traynor suggested that North Dakota could intervene in the similar lawsuit of a group of other states that was recently appealed up to the Fifth Circuit. **Is North Dakota considering taking that step?** Also, the attorney general's statement noted that the state's request "could be ordered at a later time in the litigation" as the case proceeds. **Does the state need to pursue a motion for summary judgment, or take any other specific steps, in order to keep pursuing this case in Judge Traynor's court?** Thank you again for your help! Adam On Fri, Jan 14, 2022 at 3:21 PM Brocker, Liz <lbrocker@nd.gov> wrote: **Statement of Attorney General Wayne Stenehjem in response to today's federal District Court decision on BLM Oil and Gas Lease Sales** We appreciate the Court's desire to have additional information before issuing an order requiring BLM to hold the statutory quarterly lease sales, and understand, given BLM's promise to hold a lease sale in February and again in the quarter thereafter, why the Court would want to wait and gather more information before making a final decision. The Court denied our request for now without prejudice, which means that as the case proceeds, our request could be ordered at a later time in the litigation. The Court specifically stated that "if the Defendants do not hold to their word and cancel any planned future sale, North Dakota may bring this action for review of the specifically cancelled sales once this Court has the benefit of a complete record." The Court also noted that there is already an existing nationwide preliminary injunction restraining the federal government from implementing its disputed "pause" on new oil and gas leasing on federal lands. North Dakota will be closely following the actions of the federal government agencies as they now proceed with the promised lease sales in February and thereafter. We are fully prepared to hold their feet to the fire and will not hesitate to bring the matter before the Court again as the circumstances warrant. **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Friday, January 14, 2022 3:03 PM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: FYI ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** No, I missed this! Thank you for sending it over. Do you know if the Attorney General or Paul Seby would have a few minutes yet today to talk about the ruling? Thank you again for the heads up, On Fri, Jan 14, 2022 at 3:01 PM Brocker, Liz <lbrocker@nd.gov> wrote: Not sure if you saw this. Liz -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 1956

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	awillis@forumcomm.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:03:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:04:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:04:42.000 PM
Body	Adam, Do you still need the answer to the questions you posed? If so, please give me a number to call. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1957

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	awillis@forumcomm.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:03:43.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:04:41.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/14/2022 5:04:42.000 PM
Body	Adam, Do you still need the answer to the questions you posed? If so, please give me a number to call. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 1958

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: Timing of motions pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:15:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:15:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:15:44.000 PM

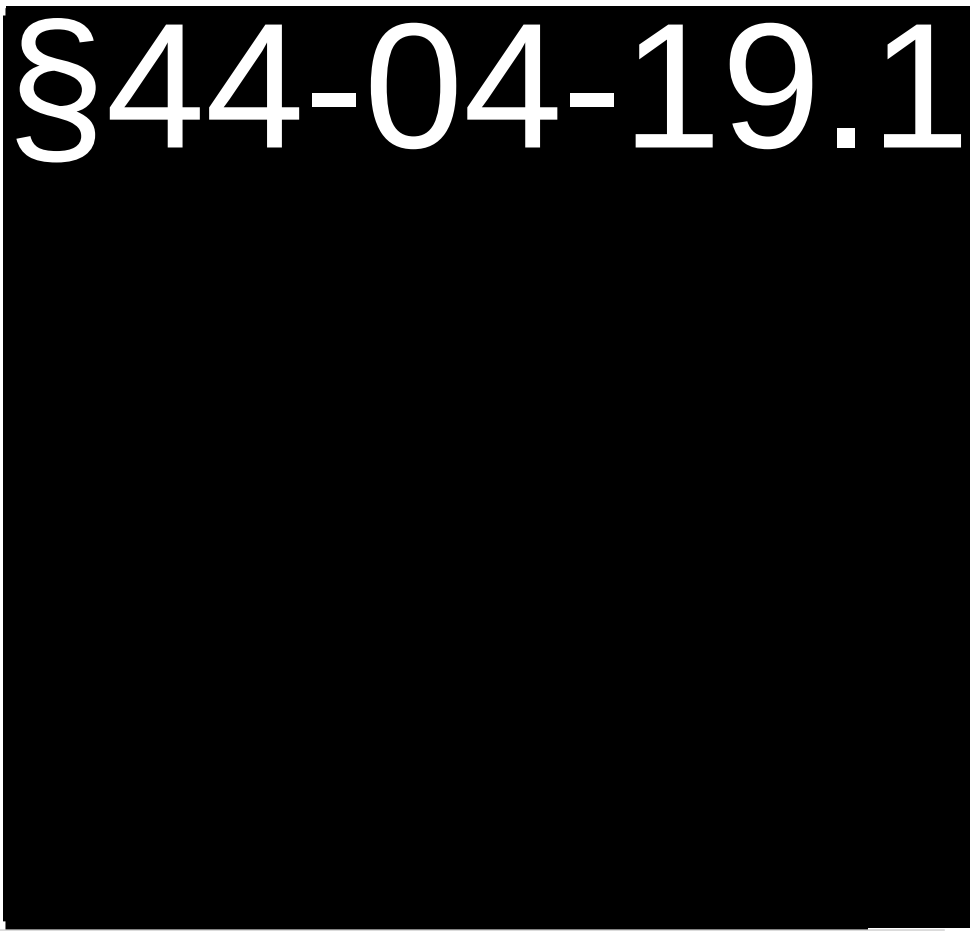
Body

§44-04-19.1

Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Saturday, January 15, 2022 4:07:19 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: Timing of motions pertaining to the oral argument in No. 20-1530, et al.

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****



Body	Thank you Begin forwarded message: **From:** Denise McNerney <dmcnerney@supremecourt.gov> **Date:** January 14, 2022 at 5:00:43 PM MST **To:** "Lindsay S. See" <Lindsay.S.See@wvago.gov>, "Tseytlin, Misha" <Misha.Tseytlin@troutman.com>, eschilling@hollandhart.com, elin@huntonak.com, Sean Donahue <sean@donahuegoldberg.com>, "Wu, Steven" <Steven.Wu@ag.ny.gov>, "B. UNDERWOOD" <Barbara.Underwood@ag.ny.gov>, bbrinkmann@cov.com, "Roth, Yaakov M." <yroth@jonesday.com>, "Grossman, Andrew M" <agrossman@bakerlaw.com>, "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, "Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov)" <Eric.Feigin@usdoj.gov>, "Stewart, Malcolm L (OSG)" <Malcolm.L.Stewart@usdoj.gov>, "Gannon, Curtis E. (OSG)" <Curtis.Gannon@usdoj.gov>, "Fletcher, Brian H. (OSG)" <Brian.Fletcher@usdoj.gov>, "Kneedler, Edwin S (OSG)" <Edwin.S.Kneedler@usdoj.gov> **Subject: Timing of motions pertaining to the oral argument in No. 20-1530, et al.** ***EXTERNAL TO GT*** Counsel, §44-04-19.1 Respectfully, *Denise McNerney* Merits Cases Clerk Office of the Clerk, Supreme Court U.S. (202) 479-3032 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1959

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Re: Timing of motions pertaining to the oral argument in No. 20-1530, et al.
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:15:31.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:15:43.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/15/2022 4:15:44.000 PM

Body

§44-04-19.1

Wayne

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Saturday, January 15, 2022 4:07:19 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Cc: Seibel, Troy T. <tseibel@nd.gov>
Subject: Fwd: Timing of motions pertaining to the oral argument in No. 20-1530, et al.

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Body	Thank you Begin forwarded message: **From:** Denise McNerney <dmcnerney@supremecourt.gov> **Date:** January 14, 2022 at 5:00:43 PM MST **To:** "Lindsay S. See" <Lindsay.S.See@wvago.gov>, "Tseytlin, Misha" <Misha.Tseytlin@troutman.com>, eschilling@hollandhart.com, elin@huntonak.com, Sean Donahue <sean@donahuegoldberg.com>, "Wu, Steven" <Steven.Wu@ag.ny.gov>, "B. UNDERWOOD" <Barbara.Underwood@ag.ny.gov>, bbrinkmann@cov.com, "Roth, Yaakov M." <yroth@jonesday.com>, "Grossman, Andrew M" <agrossman@bakerlaw.com>, "Seby, Paul (Shld-DEN-Env)" <sebyp@gtlaw.com>, "Feigin, Eric (OSG) (Eric.Feigin@usdoj.gov)" <Eric.Feigin@usdoj.gov>, "Stewart, Malcolm L (OSG)" <Malcolm.L.Stewart@usdoj.gov>, "Gannon, Curtis E. (OSG)" <Curtis.Gannon@usdoj.gov>, "Fletcher, Brian H. (OSG)" <Brian.Fletcher@usdoj.gov>, "Kneedler, Edwin S (OSG)" <Edwin.S.Kneedler@usdoj.gov> **Subject: Timing of motions pertaining to the oral argument in No. 20-1530, et al.** ***EXTERNAL TO GT*** Counsel, §44-04-19.1 Respectfully, *Denise McNerney* Merits Cases Clerk Office of the Clerk, Supreme Court U.S. (202) 479-3032 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.
CC	tseibel@nd.gov

Record 1960

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: Personnel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:23:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:23:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:23:00.000 PM

Body	Thanks, Robyn! Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 17, 2022 4:06 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Personnel Hi Wayne. Here is the list of personnel lost (resignation unless noted) in 2021: January: Dan Haak (Latent Prints Unit) March: Chris Focke (Technical Leader – Forensic Chemistry Unit) April: Anna Narehood (Forensic Chemistry Unit) June: Kali Hieb (Toxicology Unit – Biological & Breath Sections) August: Spencer Eberst (DNA Unit) *Training issues – resigned before he was let go (on probation/extended) November: Paige Harsy (DNA Unit) **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[15665].png, image002[15666].png, image003[15667].png

Record 1961

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: Personnel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:23:52.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:23:54.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:23:00.000 PM

Body	Thanks, Robyn! Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 17, 2022 4:06 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Personnel Hi Wayne. Here is the list of personnel lost (resignation unless noted) in 2021: January: Dan Haak (Latent Prints Unit) March: Chris Focke (Technical Leader – Forensic Chemistry Unit) April: Anna Narehood (Forensic Chemistry Unit) June: Kali Hieb (Toxicology Unit – Biological & Breath Sections) August: Spencer Eberst (DNA Unit) *Training issues – resigned before he was let go (on probation/extended) November: Paige Harsy (DNA Unit) **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[12299].png, image002[12300].png, image003[12301].png

Record 1962

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dpgarner@nd.gov
Subject	RE: Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:39:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:39:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:39:00.000 PM

Body	This looks good, Dave. Please give me a call in the morning before you file it. Wayne **From:** Garner, David P. <dpgarner@nd.gov> **Sent:** Monday, January 17, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Otteson, Adam G. <aotteson@nd.gov>; McCusker, Kristie M. <kmccusker@nd.gov>; cmc@pearce-durick.com **Subject:** Newfield - Notice of Appeal I believe I have made everyone's suggestions. I will file this tomorrow morning absent additional comments. Thanks. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640

Record 1963

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	dpgarner@nd.gov
Subject	RE: Newfield - Notice of Appeal
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:39:30.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:39:31.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 4:39:00.000 PM
Body	This looks good, Dave. Please give me a call in the morning before you file it. Wayne **From:** Garner, David P. <dpgarner@nd.gov> **Sent:** Monday, January 17, 2022 4:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Smith, Jodi <jodi.smith@nd.gov>; Otteson, Adam G. <aotteson@nd.gov>; McCusker, Kristie M. <kmccusker@nd.gov>; cmc@pearce-durick.com **Subject:** Newfield - Notice of Appeal I believe I have made everyone's suggestions. I will file this tomorrow morning absent additional comments. Thanks. **David P. Garner** Assistant Attorney General ND Office of the Attorney General Division of Natural Resources and Indian Affairs 500 N 9th Street Bismarck, ND 58501-4509 (701) 328-3640

Record 1964

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: 1-17-21 DRAFT North Dakota's Motion for Divided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 7:30:38.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 7:30:38.000 PM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 7:30:00.000 PM
Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, January 17, 2022 5:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** 1-17-21 DRAFT North Dakota's Motion for Divided Argument ***** CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thanks Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1965

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: 1-17-21 DRAFT North Dakota's Motion for Divided Argument
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 7:30:38.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 7:30:38.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/17/2022 7:30:00.000 PM
Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Monday, January 17, 2022 5:46 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** 1-17-21 DRAFT North Dakota's Motion for Divided Argument ***** CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Thanks Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1966

Sender Name	Stenehjem, Wayne K.

Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	RE: Marina's Mom
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:00:00.000 AM
Body	I am so sorry for your loss, Marina. Take the time you need. You will be in our thoughts and prayers.. Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Tuesday, January 18, 2022 8:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Marina's Mom Good Morning: My mom past away last night at 9pm. I plan on taking today and possibly tomorrow off. Her memorial service will be held this summer when her family can all meet in Canada. **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.
CC	lbrocker@nd.gov

Record 1967

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	RE: Marina's Mom
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:00:00.000 AM

Body	I am so sorry for your loss, Marina. Take the time you need. You will be in our thoughts and prayers.. Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Tuesday, January 18, 2022 8:49 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Marina's Mom Good Morning: My mom past away last night at 9pm. I plan on taking today and possibly tomorrow off. Her memorial service will be held this summer when her family can all meet in Canada. **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email and we also request that you immediately delete this message and its attachments, if any.
CC	lbrocker@nd.gov

Record 1968

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	FW: COVID-19 At-Home Tests
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:00.000 AM
Body	**From:** Eisenbeis, Ashley <aeisenbeis@nd.gov> **Sent:** Tuesday, January 18, 2022 8:49 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** COVID-19 At-Home Tests Good morning everyone, Please see the link below regarding the at-home COVID-19 tests you may be eligible to receive for free through your health insurance plan. You can obtain them from pharmacies, retailers, and online vendors (provided there are tests available). You are also able to go to a new website, www.covidtests.gov, to order the tests starting tomorrow, January 19th. The tests are expected to ship seven to 12 days of being ordered. Here's how you can get free home Covid-19 tests - CNNPpolitics Our agency follows the CDC guidelines as it relates to COVID-19, testing, and quarantine, so I have also provided the CDC recommendations regarding at-home tests: Self-Testing | CDC. Please let me know if you have any questions. Thank You, *Ashley Eisenbeis* **Human Resources Officer II** **NORTH DAKOTA OFFICE OF ATTORNEY GENERAL** **Email: aeisenbeis@nd.gov** **Phone: 701-328-1256**

Record 1969

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov

Recipients	bethbakke@aol.com
Subject	FW: COVID-19 At-Home Tests
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:25.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:25.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:01:00.000 AM
Body	

From: Eisenbeis, Ashley <aeisenbeis@nd.gov>
Sent: Tuesday, January 18, 2022 8:49 AM
To: -Grp-AG All Staff <agall@nd.gov>
Subject: COVID-19 At-Home Tests

Good morning everyone,

Please see the link below regarding the at-home COVID-19 tests you may be eligible to receive for free through your health insurance plan. You can obtain them from pharmacies, retailers, and online vendors (provided there are tests available). You are also able to go to a new website, www.covidtests.gov, to order the tests starting tomorrow, January 19th. The tests are expected to ship seven to 12 days of being ordered.

Here's how you can get free home Covid-19 tests - CNNPolitics

Our agency follows the CDC guidelines as it relates to COVID-19, testing, and quarantine, so I have also provided the CDC recommendations regarding at-home tests: Self-Testing | CDC.

Please let me know if you have any questions.

Thank You,

Ashley Eisenbeis
Human Resources Officer II
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
Email: aeisenbeis@nd.gov
Phone: 701-328-1256

Record 1970

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	theller@naag.org
Subject	RE: 2022 NAAG Finance Committee
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:00.000 AM

Body	I will be happy to continue. Wayne **From:** Theresia Heller <theller@naag.org> **Sent:** Tuesday, January 18, 2022 8:38 AM **To:** Herbert H. Slatery <Herbert.Slatery@ag.tn.gov>; Tong, William <AG.Tong@ct.gov>; Aaron D. Ford <ADFord@ag.nv.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** lawrence.wasden@ag.idaho.gov; AGTomMiller [AG] <agtommiller@ag.iowa.gov>; Sheila Sage <Sheila.Sage@ag.tn.gov>; Fernand, Lori <Lori.Fernand@ct.gov>; Brocker, Liz <lbrocker@nd.gov>; Vicki J. Beavers <VBeavers@ag.nv.gov>; janet.carter <janet.carter@ag.idaho.gov>; Lisa Jeter <ljeter@naag.org>; Chris Toth <ctoth@naag.org>; Albert Lama <alama@naag.org>; Annette Manning <amanning@naag.org>; Samantha Hammond <shammond@naag.org> **Subject:** 2022 NAAG Finance Committee ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General Slatery and General Tong: General Miller would like you to serve as chair (AG Slatery) and vice-chair (AG Tong) of the NAAG Finance Committee for 2022. Please let me know if you agree to his request. General Stenehjem and General Ford: General Miller also would like you to continue to serve on the Finance Committee for this year. Please let me know if you would like to continue to stay on the committee. I expect a meeting in spring regarding investments and audit and a meeting in fall to discuss the 2023 budget and the audit results from 2021. My team and I look forward working with you and welcome your guidance and questions. Regards, Theresia **Theresia Heller** Chief Financial Officer National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6029 office theller@naag.org www.naag.org
Attachments	image001[15682].png

Record 1971

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	theller@naag.org
Subject	RE: 2022 NAAG Finance Committee
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:04.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:00.000 AM

Body	I will be happy to continue. Wayne **From:** Theresia Heller <theller@naag.org> **Sent:** Tuesday, January 18, 2022 8:38 AM **To:** Herbert H. Slatery <Herbert.Slatery@ag.tn.gov>; Tong, William <AG.Tong@ct.gov>; Aaron D. Ford <ADFord@ag.nv.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** lawrence.wasden@ag.idaho.gov; AGTomMiller [AG] <agtommiller@ag.iowa.gov>; Sheila Sage <Sheila.Sage@ag.tn.gov>; Fernand, Lori <Lori.Fernand@ct.gov>; Brocker, Liz <lbrocker@nd.gov>; Vicki J. Beavers <VBeavers@ag.nv.gov>; janet.carter <janet.carter@ag.idaho.gov>; Lisa Jeter <ljeter@naag.org>; Chris Toth <ctoth@naag.org>; Albert Lama <alama@naag.org>; Annette Manning <amanning@naag.org>; Samantha Hammond <shammond@naag.org> **Subject:** 2022 NAAG Finance Committee ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General Slatery and General Tong: General Miller would like you to serve as chair (AG Slatery) and vice-chair (AG Tong) of the NAAG Finance Committee for 2022. Please let me know if you agree to his request. General Stenehjem and General Ford: General Miller also would like you to continue to serve on the Finance Committee for this year. Please let me know if you would like to continue to stay on the committee. I expect a meeting in spring regarding investments and audit and a meeting in fall to discuss the 2023 budget and the audit results from 2021. My team and I look forward working with you and welcome your guidance and questions. Regards, Theresia **Theresia Heller** Chief Financial Officer National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6029 office theller@naag.org www.naag.org
Attachments	image001[12316].png

Record 1972

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	theller@naag.org, Herbert.Slatery@ag.tn.gov, AG.Tong@ct.gov, ADFord@ag.nv.gov
Subject	RE: 2022 NAAG Finance Committee
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:00.000 AM

Body	I am happy to continue! Wayne **From:** Theresia Heller <theller@naag.org> **Sent:** Tuesday, January 18, 2022 8:38 AM **To:** Herbert H. Slatery <Herbert.Slatery@ag.tn.gov>; Tong, William <AG.Tong@ct.gov>; Aaron D. Ford <ADFord@ag.nv.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** lawrence.wasden@ag.idaho.gov; AGTomMiller [AG] <agtommiller@ag.iowa.gov>; Sheila Sage <Sheila.Sage@ag.tn.gov>; Fernand, Lori <Lori.Fernand@ct.gov>; Brocker, Liz <lbrocker@nd.gov>; Vicki J. Beavers <VBeavers@ag.nv.gov>; janet.carter <janet.carter@ag.idaho.gov>; Lisa Jeter <ljeter@naag.org>; Chris Toth <ctoth@naag.org>; Albert Lama <alama@naag.org>; Annette Manning <amanning@naag.org>; Samantha Hammond <shammond@naag.org> **Subject:** 2022 NAAG Finance Committee ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General Slatery and General Tong: General Miller would like you to serve as chair (AG Slatery) and vice-chair (AG Tong) of the NAAG Finance Committee for 2022. Please let me know if you agree to his request. General Stenehjem and General Ford: General Miller also would like you to continue to serve on the Finance Committee for this year. Please let me know if you would like to continue to stay on the committee. I expect a meeting in spring regarding investments and audit and a meeting in fall to discuss the 2023 budget and the audit results from 2021. My team and I look forward working with you and welcome your guidance and questions. Regards, Theresia **Theresia Heller** Chief Financial Officer National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6029 office theller@naag.org www.naag.org
CC	lawrence.wasden@ag.idaho.gov, agtommiller@ag.iowa.gov, Sheila.Sage@ag.tn.gov, Lori.Fernand @ct.gov, lbrocker@nd.gov, VBeavers@ag.nv.gov, janet.carter@ag.idaho.gov, ljeter@naag.org, ctoth@naag.org, alama@naag.org, amanning@naag.org, shammond@naag.org
Attachments	image001[15683].png

Record 1973

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	theller@naag.org, Herbert.Slatery@ag.tn.gov, AG.Tong@ct.gov, ADFord@ag.nv.gov
Subject	RE: 2022 NAAG Finance Committee
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 9:02:00.000 AM

Body	I am happy to continue! Wayne **From:** Theresia Heller <theller@naag.org> **Sent:** Tuesday, January 18, 2022 8:38 AM **To:** Herbert H. Slatery <Herbert.Slatery@ag.tn.gov>; Tong, William <AG.Tong@ct.gov>; Aaron D. Ford <ADFord@ag.nv.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** lawrence.wasden@ag.idaho.gov; AGTomMiller [AG] <agtommiller@ag.iowa.gov>; Sheila Sage <Sheila.Sage@ag.tn.gov>; Fernand, Lori <Lori.Fernand@ct.gov>; Brocker, Liz <lbrocker@nd.gov>; Vicki J. Beavers <VBeavers@ag.nv.gov>; janet.carter <janet.carter@ag.idaho.gov>; Lisa Jeter <ljeter@naag.org>; Chris Toth <ctoth@naag.org>; Albert Lama <alama@naag.org>; Annette Manning <amanning@naag.org>; Samantha Hammond <shammond@naag.org> **Subject:** 2022 NAAG Finance Committee ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** General Slatery and General Tong: General Miller would like you to serve as chair (AG Slatery) and vice-chair (AG Tong) of the NAAG Finance Committee for 2022. Please let me know if you agree to his request. General Stenehjem and General Ford: General Miller also would like you to continue to serve on the Finance Committee for this year. Please let me know if you would like to continue to stay on the committee. I expect a meeting in spring regarding investments and audit and a meeting in fall to discuss the 2023 budget and the audit results from 2021. My team and I look forward working with you and welcome your guidance and questions. Regards, Theresia **Theresia Heller** Chief Financial Officer National Association of Attorneys General 1850 M Street NW, 12th Floor Washington, DC 20036 202.326.6029 office theller@naag.org www.naag.org
CC	lawrence.wasden@ag.idaho.gov, agtommiller@ag.iowa.gov, Sheila.Sage@ag.tn.gov, Lori.Fernand @ct.gov, lbrocker@nd.gov, VBeavers@ag.nv.gov, janet.carter@ag.idaho.gov, ljeter@naag.org, ctoth@naag.org, alama@naag.org, amanning@naag.org, shammond@naag.org
Attachments	image001[12317].png

Record 1974

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:43:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:43:37.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:43:00.000 AM

Body

Yes, we should join this one.
Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, January 18, 2022 10:00 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)

Tax recommends ND join this brief. Tax response to my inquiry is attached. Deadline to join is the 21st.
Matt

From: Dan Schweitzer <dschweitzer@naag.org>
Sent: Friday, January 14, 2022 3:40 PM
To: Dan Schweitzer <dschweitzer@naag.org>
Cc: VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; norah.rast@dc.gov
Subject: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

To: Civil Amicus Contacts
From: District of Columbia SG Office

The District of Columbia has prepared the attached amicus brief supporting Respondent-Appellant North Carolina Department of Revenue in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21 (N.C.). The question presented is whether the dormant Commerce Clause bars North Carolina from requiring out-of-state retailers to collect sales tax when they deliver goods to in-state consumers.

Quad Graphics, Inc. ("Quad") is a Wisconsin-based corporation that prints books, magazines, and other items for direct mail to customers nationwide. The North Carolina Department of Revenue issued an assessment to Quad for uncollected sales tax on printed materials that Quad delivered to customers in North Carolina, pursuant to the provision of its tax code that clarifies that sales are "sourced to the location where the purchaser receives the product." N.C.G.S. § 105-164.B(a)(2).

A North Carolina Business Court judge held that the dormant Commerce Clause prohibited states from imposing sales taxes on out-of-state goods delivered by common carrier into the state. Under *Dilworth*, the court concluded, a state sales (as opposed to use) tax "survives scrutiny under the Commerce Clause only where the purchase of tangible personal property—i.e., the transfer of ownership from the seller to buyer—takes place in the taxing state." *Quad Graphics, Inc. v. N.C. Dep't of Revenue*, No. 20 CVS 7449, 2021 WL 2584282, at *11 (N.C. Super. June 23, 2021). North Carolina has appealed this decision to the North Carolina Supreme Court. Notably, many other states have similar destination-based sourcing schemes.

Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with questions, suggestions, or to join the brief. We would appreciate any edits or comments by **EOD Wednesday, January 19.** The join deadline is **January 21, 2021 at 12:00pm ET.**

With appreciation,

Caroline S. Van Zile
Principal Deputy Solicitor General
Office of the Attorney General for the District of Columbia
400 6th Street, NW, Suite 8100
Washington, D.C. 20001
(917) 971-0361 (cell)
(202) 724-6609 (phone)
(202) 741-0649 (fax)

Body	caroline.vanzile@dc.gov **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Tuesday, December 28, 2021 11:14 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; Rast, Norah (OAG) <Norah.Rast@dc.gov> **Subject:** Amicus Memo - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.) To: Civil Amicus Contacts From: District of Columbia SG Office The District of Columbia is preparing an amicus brief supporting respondent-appellant North Carolina in *Quad Graphics, Inc. v. North Carolina Department of Revenue*, No. 407-A-21, in the North Carolina Supreme Court. The relevant question presented is whether the dormant Commerce Clause bars states from asserting and collecting sales taxes on transactions originating from out-of-state and delivered to in-state consumers. We expect the North Carolina AG to argue that *Dilworth* formalism—which allows use taxes, but not sales taxes on such transactions—is no longer good law. States have a critical interest in protecting their sovereign authority to fairly tax interstate commerce and to preserve the gains they received from the Supreme Court's decision in *South Dakota v. Wayfair*, 138 S. Ct. 2080 (2018). The District's brief will therefore make two related arguments: *First*, the brief will argue that reaffirming Dilworth formalism would be inconsistent with the Supreme Court's decision in *Wayfair* and would reintroduce many of the policy concerns that animated the Court's abrogation of the physical-presence rule. *Second*, the brief will highlight the particular concerns raised by the lower court's decision in states with destination-based sourcing schemes. The District and at least 39 states have tax-sourcing statutes that identify the location of the "sale" as the place where the goods are delivered. Allowing courts to override such statutes and conclude that there is no transactional nexus absent physical purchase within the taxing state would undermine states' sovereign taxing authority and contradict the fundamental principle that "the modes adopted [by the States] to enforce the taxes levied should be interfered with as little as possible." *Dows v. City of Chicago*, 78 U.S. 108, 110 (1871). As we craft and refine the brief, **it would be helpful to know the following by January 7** (if you happen to have responsive information): 1. Does your state have a destination-based sourcing scheme? If so, a citation to the specific provision of the state tax code would be ideal. 2. In the wake of *Wayfair*: 1. Is your state assessing and collecting sales taxes on out-of-state companies that deliver goods to in-state consumers? 2. Has your state faced *Dilworth*-based challenges such as the one at issue here? Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with your responses. We will circulate a draft brief on or around **January 14**, in advance of the **January 21 join deadline**. Many thanks in advance for your help. With appreciation, Caroline S. Van Zile Principal Deputy Solicitor General Office of the Attorney General for the District of Columbia 400 6th Street, NW, Suite 8100 Washington, D.C. 20001 (917) 971-0361 (cell) (202) 724-6609 (phone) (202) 741-0649 (fax) caroline.vanzile@dc.gov

Record 1975

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:43:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:43:37.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 10:43:00.000 AM

Body

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Wayne

From: Sagsveen, Matthew A. <masagsve@nd.gov>
Sent: Tuesday, January 18, 2022 10:00 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: FW: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)

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To: Dan Schweitzer <dschweitzer@naag.org>
Cc: VanZile, Caroline (OAG) <Caroline.VanZile@dc.gov>; norah.rast@dc.gov
Subject: Amicus Brief - Quad Graphics, Inc. v. North Carolina Dep't of Revenue (N.C.)

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From: District of Columbia SG Office

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Please contact caroline.vanzile@dc.gov and norah.rast@dc.gov with questions, suggestions, or to join the brief. We would appreciate any edits or comments by **EOD Wednesday, January 19.** The join deadline is **January 21, 2021 at 12:00pm ET.**

With appreciation,

Caroline S. Van Zile
Principal Deputy Solicitor General
Office of the Attorney General for the District of Columbia
400 6th Street, NW, Suite 8100
Washington, D.C. 20001
(917) 971-0361 (cell)
(202) 724-6609 (phone)
(202) 741-0649 (fax)

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Record 1976

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lgrabowska@nd.gov
Subject	FW: Gov Finance Comments Feb 9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:17:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:17:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:17:00.000 PM

Body	We will need to visit about this. Wayne **From:** Mathiak, Adam <amathiak@nd.gov> **Sent:** Tuesday, January 18, 2022 12:50 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Knudson, Allen H. <aknudson@nd.gov> **Subject:** Gov Finance Comments Feb 9 Representative Michael Howe, Chairman, has called a meeting of the Government Finance Committee for **Wednesday, February 9, 2022, beginning at 10:00 a.m**. Pursuant to Section 1 of House Bill No. 1494, the Government Finance Committee is studying the recruitment and retention of law enforcement and correctional officers. Representative Howe asks that you or your representative arrange to provide comments **(approximately 20 minutes)** along with two other state agencies between **1:05 and 2:05 p.m.** regarding the recruitment, retention, turnover, and training of law enforcement and correctional officers. Presenters should deliver their presentations in person to the committee except in rare cases when the presenter's physical presence is not possible. Remote presentations must be approved by the chairman of the committee prior to the meeting. All presenters are asked to submit an electronic copy of their presentation in advance of committee meetings. A copy of the presentation will be attached to the committee meeting agenda for viewing electronically by committee members and members of the public. **Please submit an electronic copy of the presentation to Adam Mathiak (amathiak@nd.gov) by 2:00 p.m. on Tuesday, February 8, 2022, the day before the meeting.** In addition, presenters are asked to bring paper copies of their presentation to distribute at the meeting. Please bring 20 paper copies to ensure enough copies are available for the committee. The meeting notice and agenda have been posted to the committee's webpage . **Please respond to this email or call me at the number shown below to confirm your presentation to the committee.** Please contact me if you have any questions regarding the committee meeting. Thank you. **Adam Mathiak** ND Legislative Council 701-328-2936 amathiak@nd.gov

Record 1977

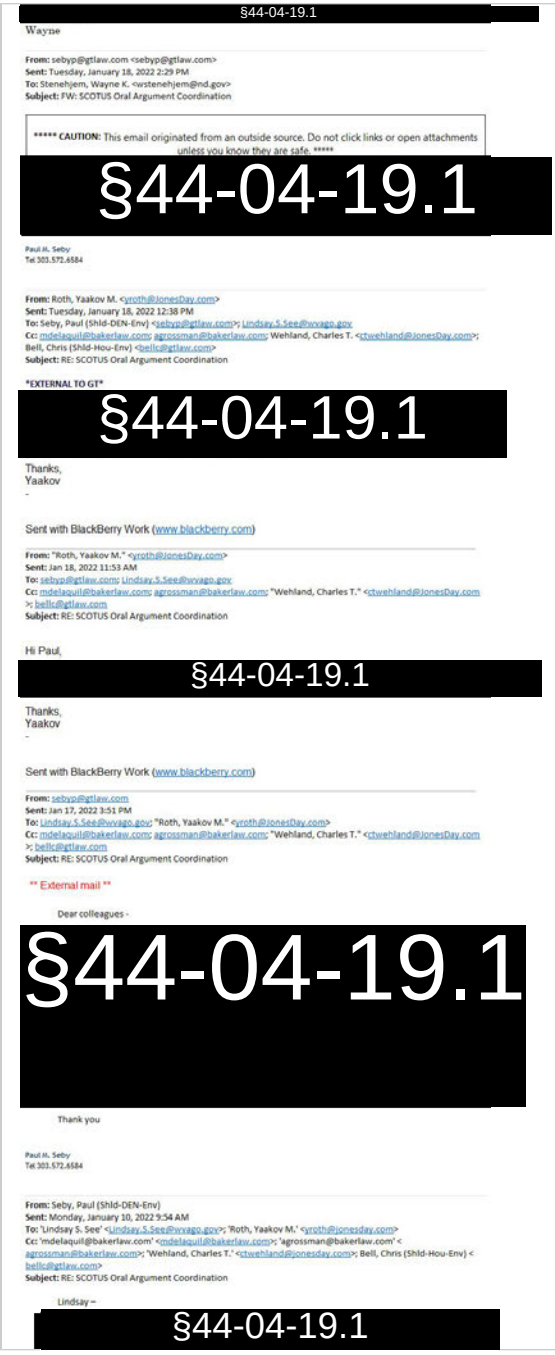
Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, lgrabowska@nd.gov
Subject	FW: Gov Finance Comments Feb 9
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:17:34.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:17:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 1:17:00.000 PM

Body	We will need to visit about this. Wayne **From:** Mathiak, Adam <amathiak@nd.gov> **Sent:** Tuesday, January 18, 2022 12:50 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Knudson, Allen H. <aknudson@nd.gov> **Subject:** Gov Finance Comments Feb 9 Representative Michael Howe, Chairman, has called a meeting of the Government Finance Committee for **Wednesday, February 9, 2022, beginning at 10:00 a.m**. Pursuant to Section 1 of House Bill No. 1494, the Government Finance Committee is studying the recruitment and retention of law enforcement and correctional officers. Representative Howe asks that you or your representative arrange to provide comments **(approximately 20 minutes)** along with two other state agencies between **1:05 and 2:05 p.m.** regarding the recruitment, retention, turnover, and training of law enforcement and correctional officers. Presenters should deliver their presentations in person to the committee except in rare cases when the presenter's physical presence is not possible. Remote presentations must be approved by the chairman of the committee prior to the meeting. All presenters are asked to submit an electronic copy of their presentation in advance of committee meetings. A copy of the presentation will be attached to the committee meeting agenda for viewing electronically by committee members and members of the public. **Please submit an electronic copy of the presentation to Adam Mathiak (amathiak@nd.gov) by 2:00 p.m. on Tuesday, February 8, 2022, the day before the meeting.** In addition, presenters are asked to bring paper copies of their presentation to distribute at the meeting. Please bring 20 paper copies to ensure enough copies are available for the committee. The meeting notice and agenda have been posted to the committee's webpage . **Please respond to this email or call me at the number shown below to confirm your presentation to the committee.** Please contact me if you have any questions regarding the committee meeting. Thank you. **Adam Mathiak** ND Legislative Council 701-328-2936 amathiak@nd.gov

Record 1978

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: SCOTUS Oral Argument Coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:31:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:31:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:31:00.000 PM

Body



§44-04-19.1

Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, January 18, 2022 2:29 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: SCOTUS Oral Argument Coordination

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

§44-04-19.1

Paul M. Seby
Tel 303.572.6584

From: Roth, Yaakov M. <yroth@JonesDay.com>
Sent: Tuesday, January 18, 2022 12:38 PM
To: Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; Lindsay.S.See@wvago.gov
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@JonesDay.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

EXTERNAL TO GT

§44-04-19.1

Thanks,
Yaakov

Sent with BlackBerry Work (www.blackberry.com)

From: "Roth, Yaakov M." <yroth@JonesDay.com>
Sent: Jan 18, 2022 11:53 AM
To: sebyp@gtlaw.com; Lindsay.S.See@wvago.gov
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

Hi Paul,

§44-04-19.1

Thanks,
Yaakov

Sent with BlackBerry Work (www.blackberry.com)

From: sebyp@gtlaw.com
Sent: Jan 17, 2022 3:51 PM
To: Lindsay.S.See@wvago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

** External mail **

Dear colleagues -

§44-04-19.1

Thank you

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Monday, January 10, 2022 9:54 AM
To: 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'Roth, Yaakov M.' <yroth@jonesday.com>
Cc: 'mdelaquil@bakerlaw.com' <mdelaquil@bakerlaw.com>; 'agrossman@bakerlaw.com' <agrossman@bakerlaw.com>; 'Wehland, Charles T.' <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

Lindsay –

§44-04-19.1

Body	§44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 From: Seby, Paul (Shld-DEN-Env) Sent: Thursday, January 6, 2022 11:32 AM To: 'Lindsay S. See' <Lindsay.S.See@wyago.gov>; Roth, Yaakov M. <yroth@jonesday.com> Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com> Subject: SCOTUS Oral Argument Coordination Colleagues – §44-04-19.1 Thank you Paul Paul M. Seby Tel 303.572.6584 From: Lindsay S. See <Lindsay.S.See@wyago.gov> Sent: Wednesday, December 29, 2021 4:39 PM To: Roth, Yaakov M. <yroth@jonesday.com> Cc: mdelaquil@bakerlaw.com; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com> Subject: Re: Coordination Call today §44-04-19.1 On Dec 29, 2021, at 6:37 PM, Roth, Yaakov M. <yroth@jonesday.com> wrote: §44-04-19.1 Sent with BlackBerry Work (www.blackberry.com) From: "DeLaquil, Mark" <mdelaquil@bakerlaw.com> Sent: Dec 29, 2021 6:36 PM To: sebyp@gtlaw.com Cc: lindsay.s.see@wyago.gov; "Roth, Yaakov M." <yroth@jonesDay.com>; "Grossman, Andrew M" <agrossman@bakerlaw.com>; "Wehland, Charles T." <ctwehland@jonesDay.com> Subject: Re: Coordination Call today ** External mail ** §44-04-19.1 Sent from my iPhone On Dec 29, 2021, at 6:33 PM, sebyp@gtlaw.com wrote: §44-04-19.1 Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information. ***This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.***

Record 1979

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: SCOTUS Oral Argument Coordination
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:31:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:31:46.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 2:31:00.000 PM

Body

§44-04-19.1

Wayne

From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Tuesday, January 18, 2022 2:29 PM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>
Subject: FW: SCOTUS Oral Argument Coordination

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From: sebyp@gtlaw.com
Sent: Jan 17, 2022 3:51 PM
To: Lindsay.S.See@wvago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>
Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; "Wehland, Charles T." <ctwehland@JonesDay.com>; bellc@gtlaw.com
Subject: RE: SCOTUS Oral Argument Coordination

** External mail **

Dear colleagues -

§44-04-19.1

Thank you

Paul M. Seby
Tel 303.572.6584

From: Seby, Paul (Shld-DEN-Env)
Sent: Monday, January 10, 2022 9:54 AM
To: 'Lindsay S. See' <Lindsay.S.See@wvago.gov>; 'Roth, Yaakov M.' <yroth@jonesday.com>
Cc: 'mdelaquil@bakerlaw.com' <mdelaquil@bakerlaw.com>; 'agrossman@bakerlaw.com' <agrossman@bakerlaw.com>; 'Wehland, Charles T.' <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com>
Subject: RE: SCOTUS Oral Argument Coordination

Lindsay –

§44-04-19.1

Body	§44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 From: Seby, Paul (Shld-DEN-Env) Sent: Thursday, January 6, 2022 11:32 AM To: 'Lindsay S. See' <Lindsay.S.See@wyago.gov>; Roth, Yaakov M. <yroth@jonesday.com> Cc: mdelaquil@bakerlaw.com; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com>; Bell, Chris (Shld-Hou-Env) <bellc@gtlaw.com> Subject: SCOTUS Oral Argument Coordination Colleagues – §44-04-19.1 Thank you Paul Paul M. Seby Tel 303.572.6584 From: Lindsay S. See <Lindsay.S.See@wyago.gov> Sent: Wednesday, December 29, 2021 4:39 PM To: Roth, Yaakov M. <yroth@jonesday.com> Cc: mdelaquil@bakerlaw.com; Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com>; agrossman@bakerlaw.com; Wehland, Charles T. <ctwehland@jonesday.com> Subject: Re: Coordination Call today §44-04-19.1 On Dec 29, 2021, at 6:37 PM, Roth, Yaakov M. <yroth@jonesday.com> wrote: §44-04-19.1 Sent with BlackBerry Work (www.blackberry.com) From: "DeLaquil, Mark" <mdelaquil@bakerlaw.com> Sent: Dec 29, 2021 6:36 PM To: sebyp@gtlaw.com Cc: lindsay.s.see@wyago.gov; "Roth, Yaakov M." <yroth@JonesDay.com>; "Grossman, Andrew M" <agrossman@bakerlaw.com>; "Wehland, Charles T." <ctwehland@JonesDay.com> Subject: Re: Coordination Call today ** External mail ** §44-04-19.1 Sent from my iPhone On Dec 29, 2021, at 6:33 PM, sebyp@gtlaw.com wrote: §44-04-19.1 Paul If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information. ***This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.***

Record 1980

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	FW: Proposed OSHA ETS Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 3:00:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 3:00:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 3:00:00.000 PM

Body

Unless there are objections from you, please let them know that ND will sign on.
Wayne

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Tuesday, January 18, 2022 1:39 PM
To: Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Cc: May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Mathura Sridharan <Mathura.Sridharan@OhioAGO.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Andree Blumstein <andree.blumstein@ag.tn.gov>; Anthony Galdieri (anthony.j.galdieri@doj.nh.gov) <anthony.j.galdieri@doj.nh.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook <bcook@scag.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Dave Bydaleck <dave.bydalek@nebraska.gov>; Eddie LaCour <elacour@ago.state.al.us>; Fisher, Tom <Tom.Fisher@atg.in.gov>; John Sauer <John.Sauer@ago.mo.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See <lindsay.s.see@wvago.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Paul Swedlund <paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Thomas Hydrick <thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson <tjohnson@law.ga.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West <zach.west@oag.ok.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>
Subject: RE: Proposed OSHA ETS Comment Letter

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

All,
Attached is a slightly updated version of the OSHA ETS comment letter. Several minor edits are reflected in redline—none material. At this point we have received sign-ons from Alabama, Arkansas, Georgia, Kansas, Montana, Nebraska, Oklahoma, South Carolina, and West Virginia. Unless I hear otherwise, I will assume that those that have already signed-on are fine with the edits reflected in the attached.

If anyone else would like to sign-on, please let me know by 12:00 (noon) EST tomorrow, Wednesday, January 19.

Thank you,

Christopher L. Thacker | Assistant Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601 | (502) 696-5570
Christopher.Thacker@ky.gov

From: Thacker, Christopher L (KYOAG)
Sent: Monday, January 17, 2022 3:01 PM
To: 'Joshua Richardson' <Joshua.Richardson@OhioAGO.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>;

Body	'steven.blair@state.sd.us'; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' < vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** 'May Mailman' <May.Mailman@OhioAGO.gov>; 'John Rockenbach' <John.Rockenbach@OhioAGO.gov>; 'Mathura Sridharan' <Mathura.Sridharan@OhioAGO.gov>; 'Jonathan Blanton' <Jonathan.Blanton@OhioAGO.gov >; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov>; Maddox, Victor (KYOAG) <Victor.Maddox@ky.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; ' Corrine Youngs' <<Corrine.Youngs@atg.in.gov>>; 'Andree Blumstein' < andree.blumstein@ag.tn.gov>; 'Anthony Galderi (anthony.j.galdieri@doj.nh.gov)' < anthony.j.galdieri@doj.nh.gov>; 'Ben Flowers' <benjamin.flowers@ohioattorneygeneral.gov>; 'Bob Cook' < bcook@scag.gov>; 'Brian Kane' <brian.kane@ag.idaho.gov>; 'Bryan Cleveland' <bryan.cleveland@oag.ok.gov>; 'Dave Bydaleck' <dave.bydalek@nebraska.gov>; 'Eddie LaCour' <elacour@ago.state.al.us>; 'Fisher, Tom' < Tom.Fisher@atg.in.gov>; 'John Sauer' <John.Sauer@ago.mo.gov>; 'Justin Matheny' < Justin.Matheny@ago.ms.gov>; 'Justin Smith' <Justin.Smith@ago.mo.gov>; 'Kevin Higgins' < kevin.higgins@alaska.gov>; 'Lindsay See' <lindsay.s.see@wvago.gov>; 'Melissa Holyoak' < melissaholyoak@agutah.gov>; 'Paul Swedlund' <paul.swedlund@state.sd.us>; 'Payne, Julia' < Julia.Payne@atg.in.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Scott Stewart' < Scott.Stewart@ago.ms.gov>; 'Thomas Hydrick' <thomashydrick@scag.gov>; 'Thomas Lampman' < thomas.t.lampman@wvago.gov>; 'Travis Johnson' <tjohnson@law.ga.gov>; 'Whitney Lipscomb' < whitney.lipscomb@ago.ms.gov>; 'Zach West' <zach.west@oag.ok.gov> **Subject:** RE: Proposed OSHA ETS Comment Letter All, Following-up on the email below, please find our draft comment letter in opposition to the OSHA ETS. Comments are due on Wednesday. Please advise if you would like to sign on by noon (12:00 EST) on Wednesday, and provide a copy of your AG's signature block for inclusion. Please let me know if you have any questions or need additional information. Thank you, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) **Sent:** Friday, January 14, 2022 11:03 AM **To:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Benjamin Flowers < Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' < Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' < nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' < Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' < Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' < ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' < Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' < James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'John.sauer@ago.mo.gov'; 'Judd Stone' <Judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <James.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' < MurrillE@ag.louisiana.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' < Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' < ESmith@scag.gov>; 'St. John, Joseph' <JStJohn1@ag.louisiana.gov>; 'Stephen.Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' < vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Mathura Sridharan <Mathura.Sridharan@OhioAGO.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov>; Maddox, Victor (KYOAG) <Victor.Maddox@ky.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; Corrine Youngs <<Corrine.Youngs@atg.in.gov>>; Andree Blumstein < andree.blumstein@ag.tn.gov>; Anthony Galderi (anthony.j.galdieri@doj.nh.gov) < anthony.j.galdieri@doj.nh.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook < bcook@scag.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Dave Bydaleck <dave.bydalek@nebraska.gov>; Eddie LaCour <elacour@ago.state.al.us>; Fisher, Tom < Tom.Fisher@atg.in.gov>; John Sauer <John.Sauer@ago.mo.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov >; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See < lindsay.s.see@wvago.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Paul Swedlund < paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ryan Schelhaas < ryan.schelhaas@wyo.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Thomas Hydrick < thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson < tjohnson@law.ga.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West < zach.west@oag.ok.gov> **Subject:** Proposed OSHA ETS Comment Letter All, Just by way of advance notice, it appears that OSHA does not intend to withdraw the COVID ETS and is still accepting comments on the ETS until January 19. Moreover, OSHA has previously indicated that the "ETS also acts as a proposal for a permanent standard." Thus, unless the ETS is withdrawn before then, Kentucky plans to proceed with submitting a comment letter in opposition to the ETS (and any similar permanent standard) next Wednesday. We are in the process of revising the draft comment letter to incorporate reference to yesterday's Supreme Court opinion, and will circulate that new draft by Monday to invite any other AG's who would like to join the comment letter to do so Best, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
Attachments	16027.docx

Record 1981

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	FW: Proposed OSHA ETS Comment Letter
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 3:00:03.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 3:00:04.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 3:00:00.000 PM

Body

Unless there are objections from you, please let them know that ND will sign on.
Wayne

From: Thacker, Christopher L (KYOAG) <christopher.thacker@ky.gov>
Sent: Tuesday, January 18, 2022 1:39 PM
To: Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov'
Cc: May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Mathura Sridharan <Mathura.Sridharan@OhioAGO.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; Maddox, Victor (KYOAG) <victor.maddox@ky.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; Andree Blumstein <andree.blumstein@ag.tn.gov>; Anthony Galdieri (anthony.j.galdieri@doj.nh.gov) <anthony.j.galdieri@doj.nh.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook <bcook@scag.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Dave Bydaleck <dave.bydalek@nebraska.gov>; Eddie LaCour <elacour@ago.state.al.us>; Fisher, Tom <Tom.Fisher@atg.in.gov>; John Sauer <John.Sauer@ago.mo.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov>; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See <lindsay.s.see@wvago.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Paul Swedlund <paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ryan Schelhaas <ryan.schelhaas@wyo.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Thomas Hydrick <thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson <tjohnson@law.ga.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West <zach.west@oag.ok.gov>; Youngs, Corrine <Corrine.Youngs@atg.in.gov>
Subject: RE: Proposed OSHA ETS Comment Letter

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All,
Attached is a slightly updated version of the OSHA ETS comment letter. Several minor edits are reflected in redline—none material. At this point we have received sign-ons from Alabama, Arkansas, Georgia, Kansas, Montana, Nebraska, Oklahoma, South Carolina, and West Virginia. Unless I hear otherwise, I will assume that those that have already signed-on are fine with the edits reflected in the attached.

If anyone else would like to sign-on, please let me know by 12:00 (noon) EST tomorrow, Wednesday, January 19.

Thank you.

Christopher L. Thacker | Assistant Deputy Attorney General
Kentucky Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601 | (502) 696-5570
Christopher.Thacker@ky.gov

From: Thacker, Christopher L (KYOAG)
Sent: Monday, January 17, 2022 3:01 PM
To: 'Joshua Richardson' <Joshua.Richardson@OhioAGO.gov>; 'Benjamin Flowers' <Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>;

Body	'steven.blair@state.sd.us'; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' < vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** 'May Mailman' <May.Mailman@OhioAGO.gov>; 'John Rockenbach' <John.Rockenbach@OhioAGO.gov>; 'Mathura Sridharan' <Mathura.Sridharan@OhioAGO.gov>; 'Jonathan Blanton' <Jonathan.Blanton@OhioAGO.gov >; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov>; Maddox, Victor (KYOAG) <Victor.Maddox@ky.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; ' Corrine Youngs' <<Corrine.Youngs@atg.in.gov>>; 'Andree Blumstein' < andree.blumstein@ag.tn.gov>; 'Anthony Galderi (anthony.j.galdieri@doj.nh.gov)' < anthony.j.galdieri@doj.nh.gov>; 'Ben Flowers' <benjamin.flowers@ohioattorneygeneral.gov>; 'Bob Cook' < bcook@scag.gov>; 'Brian Kane' <brian.kane@ag.idaho.gov>; 'Bryan Cleveland' <bryan.cleveland@oag.ok.gov>; 'Dave Bydaleck' <dave.bydalek@nebraska.gov>; 'Eddie LaCour' <elacour@ago.state.al.us>; 'Fisher, Tom' < Tom.Fisher@atg.in.gov>; 'John Sauer' <John.Sauer@ago.mo.gov>; 'Justin Matheny' < Justin.Matheny@ago.ms.gov>; 'Justin Smith' <Justin.Smith@ago.mo.gov>; 'Kevin Higgins' < kevin.higgins@alaska.gov>; 'Lindsay See' <lindsay.s.see@wvago.gov>; 'Melissa Holyoak' < melissaholyoak@agutah.gov>; 'Paul Swedlund' <paul.swedlund@state.sd.us>; 'Payne, Julia' < Julia.Payne@atg.in.gov>; 'Ryan Schelhaas' <ryan.schelhaas@wyo.gov>; 'Scott Stewart' < Scott.Stewart@ago.ms.gov>; 'Thomas Hydrick' <thomashydrick@scag.gov>; 'Thomas Lampman' < thomas.t.lampman@wvago.gov>; 'Travis Johnson' <tjohnson@law.ga.gov>; 'Whitney Lipscomb' < whitney.lipscomb@ago.ms.gov>; 'Zach West' <zach.west@oag.ok.gov> **Subject:** RE: Proposed OSHA ETS Comment Letter All, Following up on the email below, please find our draft comment letter in opposition to the OSHA ETS. Comments are due on Wednesday. Please advise if you would like to sign on by noon (12:00 EST) on Wednesday, and provide a copy of your AG's signature block for inclusion. Please let me know if you have any questions or need additional information. Thank you. **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov **From:** Thacker, Christopher L (KYOAG) **Sent:** Friday, January 14, 2022 11:03 AM **To:** Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; Benjamin Flowers < Benjamin.Flowers@OhioAGO.gov>; 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' < Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' < nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' < Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' < Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' < ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' < Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; Iaccarino, Carmine G (KYOAG) <Carmine.Iaccarino@ky.gov>; 'James Percival' < James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; 'Judd Stone' <Judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <James.kaste@wyo.gov>; Kuhn, Matt F (KYOAG) < Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' < Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' < MurrillE@ag.louisiana.gov>; Nolan, Brett R (KYOAG) <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' < Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; 'Seibel, Troy' <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' < ESmith@scag.gov>; 'St. John, Joseph' <StJohn1@ag.louisiana.gov>; 'Stephen.Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' < vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** May Mailman <May.Mailman@OhioAGO.gov>; John Rockenbach <John.Rockenbach@OhioAGO.gov>; Mathura Sridharan <Mathura.Sridharan@OhioAGO.gov>; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Sylvester, Jeremy J (KYOAG) <Jeremy.Sylvester@ky.gov>; Iaccarino, Carmine G (KYOAG) < Carmine.Iaccarino@ky.gov>; Maddox, Victor (KYOAG) <Victor.Maddox@ky.gov>; Dunn, Barry (KYOAG) < Barry.Dunn@ky.gov>; Corrine Youngs <<Corrine.Youngs@atg.in.gov>>; Andree Blumstein < andree.blumstein@ag.tn.gov>; Anthony Galderi (anthony.j.galdieri@doj.nh.gov) < anthony.j.galdieri@doj.nh.gov>; Ben Flowers <benjamin.flowers@ohioattorneygeneral.gov>; Bob Cook < bcook@scag.gov>; Brian Kane <brian.kane@ag.idaho.gov>; Bryan Cleveland <bryan.cleveland@oag.ok.gov>; Dave Bydaleck <dave.bydalek@nebraska.gov>; Eddie LaCour <elacour@ago.state.al.us>; Fisher, Tom < Tom.Fisher@atg.in.gov>; John Sauer <John.Sauer@ago.mo.gov>; Justin Matheny <Justin.Matheny@ago.ms.gov >; Justin Smith <Justin.Smith@ago.mo.gov>; Kevin Higgins <kevin.higgins@alaska.gov>; Lindsay See < lindsay.s.see@wvago.gov>; Melissa Holyoak <melissaholyoak@agutah.gov>; Paul Swedlund < paul.swedlund@state.sd.us>; Payne, Julia <Julia.Payne@atg.in.gov>; Ryan Schelhaas < ryan.schelhaas@wyo.gov>; Scott Stewart <Scott.Stewart@ago.ms.gov>; Thomas Hydrick < thomashydrick@scag.gov>; Thomas Lampman <thomas.t.lampman@wvago.gov>; Travis Johnson < tjohnson@law.ga.gov>; Whitney Lipscomb <whitney.lipscomb@ago.ms.gov>; Zach West < zach.west@oag.ok.gov> **Subject:** Proposed OSHA ETS Comment Letter All, Just by way of advance notice, it appears that OSHA does not intend to withdraw the COVID ETS and is still accepting comments on the ETS until January 19. Moreover, OSHA has previously indicated that the "ETS also acts as a proposal for a permanent standard." Thus, unless the ETS is withdrawn before then, Kentucky plans to proceed with submitting a comment letter in opposition to the ETS (and any similar permanent standard) next Wednesday. We are in the process of revising the draft comment letter to incorporate reference to yesterday's Supreme Court opinion, and will circulate that new draft by Monday to invite any other AG's who would like to join the comment letter to do so Best, **Christopher L. Thacker** | Assistant Deputy Attorney General Kentucky Office of the Attorney General 700 Capital Avenue, Suite 118 Frankfort, Kentucky 40601 | (502) 696-5570 Christopher.Thacker@ky.gov
Attachments	12676.docx

Record 1982

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:35:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:35:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:35:00.000 PM

Body	§44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, January 18, 2022 5:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, January 18, 2022 4:11 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File *EXTERNAL TO GT* §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1983

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	RE: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:35:02.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:35:02.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/18/2022 6:35:00.000 PM

Body	§44-04-19.1 **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Tuesday, January 18, 2022 5:33 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul M. Seby Tel 303.572.6584 **From:** ndd_nef@ndd.uscourts.gov <ndd_nef@ndd.uscourts.gov> **Sent:** Tuesday, January 18, 2022 4:11 PM **To:** CourtMail@ndd.uscourts.gov **Subject:** Activity in Case 1:19-cv-00150-DMT-ARS North Dakota, State of v. United States of America Order on Motion for Leave to File *EXTERNAL TO GT* §44-04-19.1 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 1984

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: Personnel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:21:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:21:59.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:21:00.000 AM

Body	What is the total number of scientists you have, and how many vacancies are there right now? Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 17, 2022 4:06 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Personnel Hi Wayne. Here is the list of personnel lost (resignation unless noted) in 2021: January: Dan Haak (Latent Prints Unit) March: Chris Focke (Technical Leader – Forensic Chemistry Unit) April: Anna Narehood (Forensic Chemistry Unit) June: Kali Hieb (Toxicology Unit – Biological & Breath Sections) August: Spencer Eberst (DNA Unit) *Training issues – resigned before he was let go (on probation/extended) November: Paige Harsy (DNA Unit) **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[15729].png, image002[15730].png, image003[15731].png

Record 1985

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	rquinn@nd.gov
Subject	RE: Personnel
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:21:59.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:21:59.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 8:21:00.000 AM

Body	What is the total number of scientists you have, and how many vacancies are there right now? Wayne **From:** Quinn, Robyn <rquinn@nd.gov> **Sent:** Monday, January 17, 2022 4:06 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Seibel, Troy T. <tseibel@nd.gov> **Subject:** Personnel Hi Wayne. Here is the list of personnel lost (resignation unless noted) in 2021: January: Dan Haak (Latent Prints Unit) March: Chris Focke (Technical Leader – Forensic Chemistry Unit) April: Anna Narehood (Forensic Chemistry Unit) June: Kali Hieb (Toxicology Unit – Biological & Breath Sections) August: Spencer Eberst (DNA Unit) *Training issues – resigned before he was let go (on probation/extended) November: Paige Harsy (DNA Unit) **A. Robyn Quinn, M.S., CFM-I** **Director** **Crime Laboratory Division** **Office of Attorney General** **2641 East Main Avenue** **Bismarck, ND 58501-5044** **(701) 328-6359** NOTE: Correspondence referencing cases may be retained as part of the Crime Laboratory Division case record and are subject to Discovery Requests. *Please visit our website at https://attorneygeneral.nd.gov/sites/ag/files/documents/Crime-Lab1/CrimeLabCustomerSurvey-SFN16700.pdf to complete the Laboratory Feedback Survey. Your feedback is important to us.* CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Attachments	image001[12369].png, image002[12370].png, image003[12371].png

Record 1986

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: PBT/SCRAM Bracelet Stats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:40:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:00.000 AM

Body	**From:** DS417 <ds417@nd.gov> **Sent:** Wednesday, January 19, 2022 10:39 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** PBT/SCRAM Bracelet Stats Good morning Wayne, Regarding PBT (twice daily breath testing).... since the beginning of program (2008 statewide)... for round numbers 1.8 million tests administered with a pass rate of 96.8% Exact numbers: 1,798,984 tests administered 1,792, 268 passed 6686 Failed Don't know if you want to use this but we started using remote breath devices last year. Breath test twice a day w/ facial recognition software in device. Numbers are low (have to start somewhere□□) but results are good. 19,394 total tests pass rate of 95.9% 18,602 passed 39 fail SCRAM Bracelet 2021 averaged 614 monitored individuals a month Since the inception of the bracelet, 2,268,944 monitored days Good luck at your talk! □□ Duane S/A Duane Stanley North Dakota Bureau Of Criminal Investigation North Dakota POST Board 24/7 Sobriety Program Bismarck, North Dakota 58504 Office: (701) 328-5516 §44-04-18.3 Fax: (701) 328-5510 ds417@nd.gov
Attachments	image001[15743].png

Record 1987

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	FW: PBT/SCRAM Bracelet Stats
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:40:00.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:40:00.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/19/2022 10:39:00.000 AM

Body	**From:** DS417 <ds417@nd.gov> **Sent:** Wednesday, January 19, 2022 10:39 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** PBT/SCRAM Bracelet Stats Good morning Wayne, Regarding PBT (twice daily breath testing).... since the beginning of program (2008 statewide)... for round numbers 1.8 million tests administered with a pass rate of 96.8% Exact numbers: 1,798,984 tests administered 1,792, 268 passed 6686 Failed Don't know if you want to use this but we started using remote breath devices last year. Breath test twice a day w/ facial recognition software in device. Numbers are low (have to start somewhere□□) but results are good. 19,394 total tests pass rate of 95.9% 18,602 passed 39 fail SCRAM Bracelet 2021 averaged 614 monitored individuals a month Since the inception of the bracelet, 2,268,944 monitored days Good luck at your talk! □□ Duane S/A Duane Stanley North Dakota Bureau Of Criminal Investigation North Dakota POST Board 24/7 Sobriety Program Bismarck, North Dakota 58504 Office: (701) 328-5516 §44-04-18.3 Fax: (701) 328-5510 ds417@nd.gov
Attachments	image001[12383].png

Record 1988

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:12:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:12:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:12:00.000 AM

Body	Interested in Parrell's take on this. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, January 20, 2022 9:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Epic v. Apple (9th Cir.) Attached is a new amicus request regarding a brief written by Utah – response is due **January 26.** I don't have a strong opinion, but Parrell might. Here is a description: Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Thursday, January 20, 2022 6:56 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Epic v. Apple (9th Cir.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Office Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. If you are interested in joining or have any questions, please email melissaholyoak@agutah.gov by **COB January 26, 2022.** Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov
CC	pgrossman@nd.gov

Record 1989

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov, tseibel@nd.gov
Subject	RE: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:12:47.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:12:47.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 9:12:00.000 AM

Body	Interested in Parrell's take on this. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, January 20, 2022 9:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Epic v. Apple (9th Cir.) Attached is a new amicus request regarding a brief written by Utah – response is due **January 26.** I don't have a strong opinion, but Parrell might. Here is a description: Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Thursday, January 20, 2022 6:56 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Epic v. Apple (9th Cir.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Office Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. If you are interested in joining or have any questions, please email melissaholyoak@agutah.gov by **COB January 26, 2022.** Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov
CC	pgrossman@nd.gov

Record 1990

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jodi.smith@nd.gov
Subject	Re: Request for Executive Session Material
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:31:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:31:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:31:39.000 AM

Body	Why don't you offer her the option and see what she says? Maybe she's fine with it Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Smith, Jodi <jodi.smith@nd.gov> **Sent:** Thursday, January 20, 2022 10:55:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Garner, David P. <dpgarner@nd.gov> **Subject:** Request for Executive Session Material Good Day- Leslie has made a request that I send her the recording for last month's Executive Session. Historically, we have never emailed a recording of an Executive Session. Board members wishing to listen have had to come to the DTL office and listen to them here. I specifically recall an instance when Treasurer Schmidt made this request and she was denied. I have hesitancy changing our position on recordings of Executive Session. Open your thoughts and suggestions. Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
Attachments	image001[6005292].png

Record 1991

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jodi.smith@nd.gov
Subject	Re: Request for Executive Session Material
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:31:02.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:31:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:31:39.000 AM
Body	Why don't you offer her the option and see what she says? Maybe she's fine with it Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Smith, Jodi <jodi.smith@nd.gov> **Sent:** Thursday, January 20, 2022 10:55:26 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Garner, David P. <dpgarner@nd.gov> **Subject:** Request for Executive Session Material Good Day- Leslie has made a request that I send her the recording for last month's Executive Session. Historically, we have never emailed a recording of an Executive Session. Board members wishing to listen have had to come to the DTL office and listen to them here. I specifically recall an instance when Treasurer Schmidt made this request and she was denied. I have hesitancy changing our position on recordings of Executive Session. Open your thoughts and suggestions. Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov
Attachments	image001[12400].png

Record 1992

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:32:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:32:34.000 AM

Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:32:34.000 AM
Body	Then please let them know we will join. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, January 20, 2022 11:15:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Amicus Brief in Epic v. Apple (9th Cir.) Thank you, Matt and Wayne. Yes, absolutely, I recommend that North Dakota join in this amicus. It involves our Google IAP case. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 20, 2022 9:12:47 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** RE: Amicus Brief in Epic v. Apple (9th Cir.) Interested in Parrell's take on this. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, January 20, 2022 9:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Epic v. Apple (9th Cir.) Attached is a new amicus request regarding a brief written by Utah – response is due **January 26**. I don't have a strong opinion, but Parrell might. Here is a description: Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Thursday, January 20, 2022 6:56 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Epic v. Apple (9th Cir.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Office Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. If you are interested in joining or have any questions, please email melissaholyoak@agutah.gov by **COB January 26, 2022**. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov

Record 1993

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov, masagsve@nd.gov, tseibel@nd.gov
Subject	Re: Amicus Brief in Epic v. Apple (9th Cir.)
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:32:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:32:34.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:32:34.000 AM

Body	Then please let them know we will join. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Thursday, January 20, 2022 11:15:33 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Re: Amicus Brief in Epic v. Apple (9th Cir.) Thank you, Matt and Wayne. Yes, absolutely, I recommend that North Dakota join in this amicus. It involves our Google IAP case. **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Thursday, January 20, 2022 9:12:47 AM **To:** Sagsveen, Matthew A. <masagsve@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** RE: Amicus Brief in Epic v. Apple (9th Cir.) Interested in Parrell's take on this. Wayne **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Thursday, January 20, 2022 9:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Cc:** Grossman, Parrell D. <pgrossman@nd.gov> **Subject:** FW: Amicus Brief in Epic v. Apple (9th Cir.) Attached is a new amicus request regarding a brief written by Utah – response is due **January 26.** I don't have a strong opinion, but Parrell might. Here is a description: Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. **From:** Dan Schweitzer <dschweitzer@naag.org> **Sent:** Thursday, January 20, 2022 6:56 AM **To:** Dan Schweitzer <dschweitzer@naag.org> **Cc:** Melissa Holyoak <melissaholyoak@agutah.gov> **Subject:** Amicus Brief in Epic v. Apple (9th Cir.) ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** To: Civil Amicus Contacts From: Utah SG Office Utah plans to file the attached amicus in support of appellant in *Epic Games v. Apple* pending in the Ninth Circuit. The amicus argues that (1) the district court's holding that "contract" under Section 1 of the Sherman Act does not include "unilateral contracts" violates rules of statutory interpretation, is inconsistent with Supreme Court precedent, and makes bad public policy; and (2) the district court erred in failing to balance the overall competitive effects as part of its rule-of-reason analysis. In addition to generally ensuring effective standards for antitrust enforcement, these arguments are directly relevant to the 39-state multistate Google IAP litigation pending in the Northern District of California. If you are interested in joining or have any questions, please email melissaholyoak@agutah.gov by **COB January 26, 2022**. Thanks, Melissa Melissa A. Holyoak Utah Solicitor General Office of Utah Attorney General Sean D. Reyes Work Cell: 385-271-2484 Direct: 801-366-0113 Fax: 801-366-0221 Email: melissaholyoak@agutah.gov

Record 1994

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, sebyp@gtlaw.com
Subject	RE: Update in DAPL protest costs case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:37:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:37:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:37:00.000 AM

Body	§44-04-19.1 **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 20, 2022 11:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Update in DAPL protest costs case §44-04-19.1 **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Thursday, January 20, 2022 9:34 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Update in DAPL protest costs case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** H Liz, §44-04-19.1 Adam -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 1995

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, sebyp@gtlaw.com
Subject	RE: Update in DAPL protest costs case
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:37:50.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:37:50.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:37:00.000 AM

Body	§44-04-19.1 **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 20, 2022 11:03 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Update in DAPL protest costs case §44-04-19.1 **From:** Adam Willis <awillis@forumcomm.com> **Sent:** Thursday, January 20, 2022 9:34 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Update in DAPL protest costs case ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** H Liz, §44-04-19.1 Adam -- Adam Willis Business and Politics Reporter Forum of Fargo-Moorhead +1 (404) 952 4437 @adampwillis

Record 1996

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: $150,000 POWERBALL PRIZE WON IN BISMARCK.pdf
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:49.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 20, 2022 11:40:24 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** $150,000 POWERBALL PRIZE WON IN BISMARCK.pdf Attached for your information is a Lottery news release going out this morning. Liz
Attachments	16026.pdf

Record 1997

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com
Subject	Fwd: $150,000 POWERBALL PRIZE WON IN BISMARCK.pdf

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:42.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:49.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 11:41:49.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Thursday, January 20, 2022 11:40:24 AM **To:** -Grp-AG All Staff <agall@nd.gov> **Subject:** $150,000 POWERBALL PRIZE WON IN BISMARCK.pdf Attached for your information is a Lottery news release going out this morning. Liz
Attachments	12675.pdf

Record 1998

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lmickelson@nd.gov
Subject	RE: IC Loan for January 21, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:59:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:59:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:59:00.000 PM
Body	Thanks, Lori Wayne **From:** Mickelson, Lori S. <lmickelson@nd.gov> **Sent:** Thursday, January 20, 2022 2:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** IC Loan for January 21, 2022 Hi Wayne, 1 loan for tomorrow. I'll get the binder to Liz. **Riverview Hotel LLC** NDCC §6-08.1-03; NDCC §6-09-35

Record 1999

Sender Name	Stenehjem, Wayne K.

Sender Email	wstenehjem@nd.gov
Recipients	lmickelson@nd.gov
Subject	RE: IC Loan for January 21, 2022
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:59:29.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:59:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/20/2022 2:59:00.000 PM
Body	Thanks, Lori Wayne **From:** Mickelson, Lori S. <lmickelson@nd.gov> **Sent:** Thursday, January 20, 2022 2:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** IC Loan for January 21, 2022 Hi Wayne, 1 loan for tomorrow. I'll get the binder to Liz. **Riverview Hotel LLC** NDCC §6-08.1-03; NDCC §6-09-35

Record 2000

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: AGA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:38.000 AM
Body	Thank you! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, January 21, 2022 7:56:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** AGA AGA will reimburse you for both your flight and Beth's, and they have secured an upgrade for your room (separate room with couch), so that Andrew can join you. Liz

Record 2001

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: AGA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:34.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:38.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:38.000 AM
Body	Thank you! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, January 21, 2022 7:56:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** AGA AGA will reimburse you for both your flight and Beth's, and they have secured an upgrade for your room (separate room with couch), so that Andrew can join you. Liz

Record 2002

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com, astenehjem31@gmail.com
Subject	Fwd: AGA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:56.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, January 21, 2022 8:09:38 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: AGA Thank you! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, January 21, 2022 7:56:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** AGA AGA will reimburse you for both your flight and Beth's, and they have secured an upgrade for your room (separate room with couch), so that Andrew can join you. Liz

Record 2003

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bethbakke@aol.com, astenehjem31@gmail.com
Subject	Fwd: AGA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:44.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:55.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:09:56.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, January 21, 2022 8:09:38 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** Re: AGA Thank you! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Friday, January 21, 2022 7:56:52 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** AGA AGA will reimburse you for both your flight and Beth's, and they have secured an upgrade for your room (separate room with couch), so that Andrew can join you. Liz

Record 2004

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: ND Comments on EPA Proposed O&G Methane Rule - Coordination Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:20:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:20:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:20:00.000 AM

Body	[redacted] Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 20, 2022 7:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: ND Comments on EPA Proposed O&G Methane Rule - Coordination Call ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** [redacted] Paul Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Sent:** Thursday, January 20, 2022 6:05 PM **To:** Glatt, Dave D. <dglatt@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** ND Comments on EPA Proposed O&G Methane Rule - Coordination Call [redacted] Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 2005

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, tseibel@nd.gov
Subject	RE: ND Comments on EPA Proposed O&G Methane Rule - Coordination Call
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:20:03.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:20:03.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 8:20:00.000 AM

Body	§44-04-19.1 Wayne **From:** sebyp@gtlaw.com <sebyp@gtlaw.com> **Sent:** Thursday, January 20, 2022 7:09 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: ND Comments on EPA Proposed O&G Methane Rule - Coordination Call ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** §44-04-19.1 Paul Paul M. Seby Tel 303.572.6584 **From:** Seby, Paul (Shld-DEN-Env) <sebyp@gtlaw.com> **Sent:** Thursday, January 20, 2022 6:05 PM **To:** Glatt, Dave D. <dglatt@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Helms, Lynn D. <lhelms@nd.gov> **Subject:** ND Comments on EPA Proposed O&G Methane Rule - Coordination Call §44-04-19.1 Paul M. Seby Tel 303.572.6584 If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 2006

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: ACMA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:25:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:25:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:25:00.000 AM

Body	I would like to have you an/or others meet with them. Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Friday, January 21, 2022 9:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: ACMA I assume this is not something you want to attend… *Parrell* **From:** Friedman, Clayton <CFriedman@crowell.com> **Sent:** Thursday, January 20, 2022 7:23 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Yaghi, Michael <MYaghi@crowell.com>; Friedman, Clayton <CFriedman@crowell.com> **Subject:** ACMA ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Parrell I hope this finds you well. And, of course, happy New Year! During the past few months, I have spoken to General Stenehjem about one of our firm's client, Accreditation Council For Medical Affairs ("ACMA"), which is a medical affairs educational training and certification program. ACMA has also developed opioid education programs for adults and teenagers in order to assist with community education, abatement, and outreach. ACMA can give these programs to any community groups (students, the healthcare industry, private sector businesses, government agencies, etc.) about the harms of opioids and to help curb the opioid crisis through education and prevention. ACMA is interested in scheduling a brief meeting (30-45 minutes) with you (and General Stenehjem if he would like to attend) and the others on your opioid team to meet the ACMA and its CEO and founder, William Soliman, to discuss ways the ACMA may be able to assist the state with community opioid education. Please let me know how you would like to follow-up? Best, Clay **Clayton Friedman** CFriedman@crowell.com Direct: +1.949.798.1316 | Mobile: +1.949.500.7479 **Crowell & Moring LLP** | www.crowell.com 3 Park Plaza, 20th Floor, Irvine, CA 92614 **Read Our State AG Blog:** State AG Blog

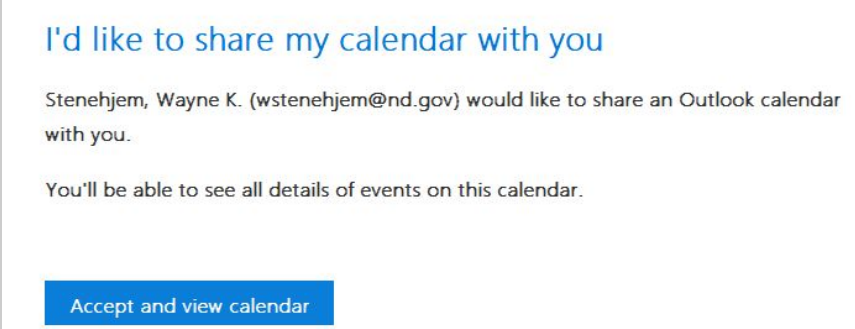
Record 2007

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	pgrossman@nd.gov
Subject	RE: ACMA
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:25:33.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:25:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:25:00.000 AM

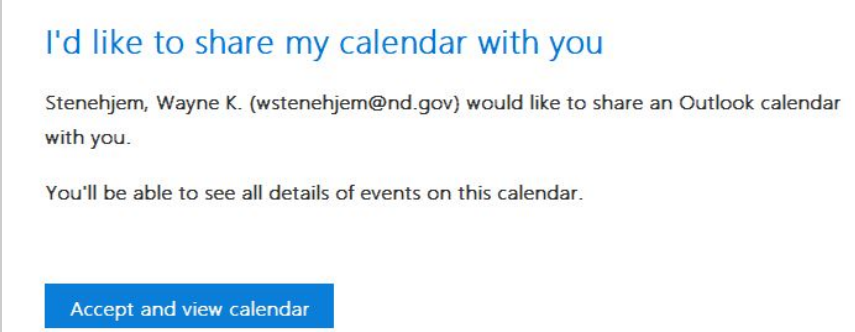
Body	I would like to have you an/or others meet with them. Wayne **From:** Grossman, Parrell D. <pgrossman@nd.gov> **Sent:** Friday, January 21, 2022 9:09 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: ACMA I assume this is not something you want to attend… *Parrell* **From:** Friedman, Clayton <CFriedman@crowell.com> **Sent:** Thursday, January 20, 2022 7:23 PM **To:** Grossman, Parrell D. <pgrossman@nd.gov> **Cc:** Yaghi, Michael <MYaghi@crowell.com>; Friedman, Clayton <CFriedman@crowell.com> **Subject:** ACMA ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Dear Parrell I hope this finds you well. And, of course, happy New Year! During the past few months, I have spoken to General Stenehjem about one of our firm's client, Accreditation Council For Medical Affairs ("ACMA"), which is a medical affairs educational training and certification program. ACMA has also developed opioid education programs for adults and teenagers in order to assist with community education, abatement, and outreach. ACMA can give these programs to any community groups (students, the healthcare industry, private sector businesses, government agencies, etc.) about the harms of opioids and to help curb the opioid crisis through education and prevention. ACMA is interested in scheduling a brief meeting (30-45 minutes) with you (and General Stenehjem if he would like to attend) and the others on your opioid team to meet the ACMA and its CEO and founder, William Soliman, to discuss ways the ACMA may be able to assist the state with community opioid education. Please let me know how you would like to follow-up? Best, Clay **Clayton Friedman** CFriedman@crowell.com Direct: +1.949.798.1316 | Mobile: +1.949.500.7479 **Crowell & Moring LLP** | www.crowell.com 3 Park Plaza, 20th Floor, Irvine, CA 92614 **Read Our State AG Blog:** State AG Blog

Record 2008

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	hschooler@nd.gov
Subject	You're invited to share this calendar
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:10.000 AM

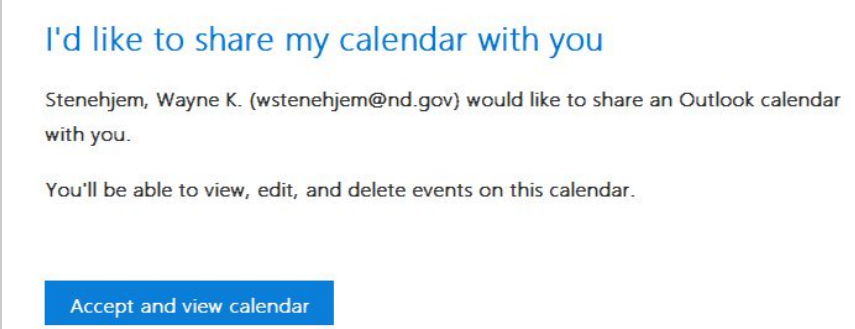
Body	

Record 2009

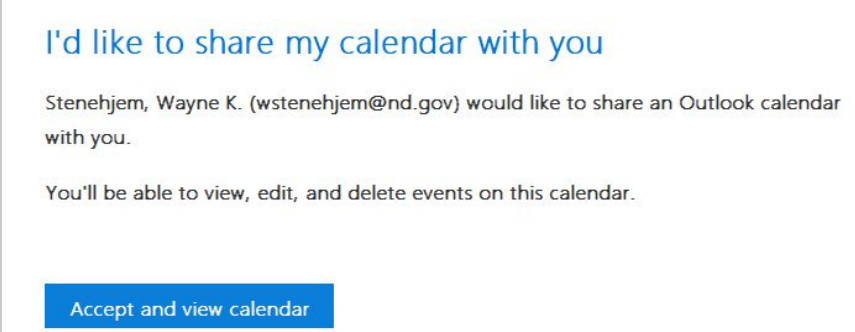
Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	hschooler@nd.gov
Subject	You're invited to share this calendar
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:09.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:09.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:10.000 AM
Body	

Record 2010

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	You're invited to share this calendar
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:18.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:18.000 AM

Body	

Record 2011

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	amjohnson@nd.gov
Subject	You're invited to share this calendar
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:18.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:18.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 9:31:18.000 AM
Body	

Record 2012

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, bekeller@nd.gov
Subject	Fwd: Space needs survey - Please Complete
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:56:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:56:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:56:54.000 AM

Body	Who's going to do this? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Cronquist, Alex J. <ajcronquist@nd.gov> **Sent:** Friday, January 21, 2022 11:28:35 AM **To:** Cronquist, Alex J. <ajcronquist@nd.gov> **Subject:** Space needs survey - Please Complete Good morning, The interim Government Administration Committee, Senator Randy A. Burckhard, Chairman, has been assigned studies of space needs and property leased by the state pursuant to Section 43 of House Bill No. 1015 (2021) and House Concurrent Resolution No. 3043 (2021). These studies include a determination of the individuals who own the property leased by the state, including the members of a corporation, partnership, or any other type of entity that owns property leased by the state. At the October 25, 2021, Government Administration Committee meeting, the Legislative Council was asked to conduct a survey of state entities to collect information on space needs and leased property ownership. The committee members are aware state leases do not always identify the individual owners of property and have requested agencies/entities ask their lessors for the information. Please complete the attached survey regarding state agency space needs and leased property ownership and return the completed survey to me via email (ajcronquist@nd.gov) by Monday, February 28, 2022. If you have any questions regarding this survey, please feel free to contact me. Thank you. Alex Cronquist, CPA Senior Fiscal Analyst North Dakota Legislative Council (701)328-4238 ajcronquist@nd.gov
Attachments	16025.docx

Record 2013

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	tseibel@nd.gov, bekeller@nd.gov
Subject	Fwd: Space needs survey - Please Complete
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:56:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:56:53.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 11:56:54.000 AM

Body	Who's going to do this? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Cronquist, Alex J. <ajcronquist@nd.gov> **Sent:** Friday, January 21, 2022 11:28:35 AM **To:** Cronquist, Alex J. <ajcronquist@nd.gov> **Subject:** Space needs survey - Please Complete Good morning, The interim Government Administration Committee, Senator Randy A. Burckhard, Chairman, has been assigned studies of space needs and property leased by the state pursuant to Section 43 of House Bill No. 1015 (2021) and House Concurrent Resolution No. 3043 (2021). These studies include a determination of the individuals who own the property leased by the state, including the members of a corporation, partnership, or any other type of entity that owns property leased by the state. At the October 25, 2021, Government Administration Committee meeting, the Legislative Council was asked to conduct a survey of state entities to collect information on space needs and leased property ownership. The committee members are aware state leases do not always identify the individual owners of property and have requested agencies/entities ask their lessors for the information. Please complete the attached survey regarding state agency space needs and leased property ownership and return the completed survey to me via email (ajcronquist@nd.gov) by Monday, February 28, 2022. If you have any questions regarding this survey, please feel free to contact me. Thank you. Alex Cronquist, CPA Senior Fiscal Analyst North Dakota Legislative Council (701)328-4238 ajcronquist@nd.gov
Attachments	12674.docx

Record 2014

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	Re: Case update from CCDTF for "Tango Blast" gang member
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:09:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:10:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:10:29.000 PM

Body	This is wonderful work that emphasizes the value of our task forces, and the diligence of our law enforcement. Thanks to everyone! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Friday, January 21, 2022 10:59:11 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Case update from CCDTF for "Tango Blast" gang member Wayne and Troy, Please find below an overview of a drug search and attached photos from the Cass County Drug Task Force (CCDTF) related to a connected cartel-related gang member of the "Tango Blast" gang from the Houston, Texas area. You can "Wikipedia" Tango Blast for a quick overview of the criminal enterprise. The photos are of the confiscated guns, drugs, and money and the suspect. The third photo is S/A Voeltz after too many hours of surveillance! A really great case for the Fargo area! Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5330 office §44-04-18.3 cell lgrabowska@nd.gov **From:** Franklin, Shelby <sfranklin@nd.gov> **Sent:** Friday, January 21, 2022 10:08 AM **To:** Brock Klettke (brock.r.klettke.mil@mail.mil) <brock.r.klettke.mil@mail.mil>; Miller, Casey J. <cajmiller@nd.gov>; Grabowska, Lonnie <lgrabowska@nd.gov>; Greg Warren (Greg.Warren@westfargond.gov) <Greg.Warren@westfargond.gov>; Jones, Lori J. <jonesl@casscountynd.gov>; Rummel, Arnie <arummel@nd.gov>; Schmitz Olson, Kara S. <olsonka@casscountynd.gov>; Shane Orn <shane.orn@westfargond.gov>; Stading, Joel <stadingj@casscountynd.gov> **Cc:** Jahner, Jesse F. <jahnerj@casscountynd.gov>; Denis E. Otterness <denis.otterness@westfargond.gov>; David Zibolski <dzibolski@fargond.gov>; TMorris@fargond.gov **Subject:** Case update Good morning TF board, At the last quarterly meeting I gave a brief rundown of a case we were currently working involving the Tango Blast gang members from Houston, TX. Last night we took the main individual, Joel Quinonez, and his girlfriend, Jaimie Garcia into custody. This involved a very in-depth safety plan due to the intelligence we had that Quinonez was armed and violent. When we confronted Quinonez in a hotel parking lot he attempted to reach for his firearm, but due the safety plan put together by Sgt. Orn, Sgt. Morris, and TFO Kyle Hinrichs, he was not able to retrieve it fast enough. It was a tense moment, but eventually he complied and was taken into custody. We were crammed in our takedown van, and also in the hotel room adjacent to Quinonez's, for approximately 7 hours but in the end it paid off. He had 2 stolen firearms in each pocket, and a 3rd firearm in his backpack. He was also in possession of 2.6 pounds of methamphetamine, 1 oz of heroin, and $6,121. After he was in custody he made some comments that were also concerning regarding killing whoever "snitched" on him. I would like to commend TFO Hinrichs, as well as the whole team who contributed, to this investigation (Including our Minnesota partners). Many hours went into this investigation. I believe the community is much safer with this individual in jail. I've attached some photos for you to review. This is an ongoing investigation. Thank you, Special Agent Shelby Franklin North Dakota Bureau of Criminal Investigation Cass County Drug Task Force Coordinator PO Box 9038 Fargo, ND 58106 Office: (701) 239-7261
Attachments	image001[6035416].png, image002[6035418].jpg, image004[6035422].jpg

Record 2015

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lgrabowska@nd.gov, tseibel@nd.gov
Subject	Re: Case update from CCDTF for "Tango Blast" gang member
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:09:07.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:10:29.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:10:29.000 PM

Body	This is wonderful work that emphasizes the value of our task forces, and the diligence of our law enforcement. Thanks to everyone! Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Grabowska, Lonnie <lgrabowska@nd.gov> **Sent:** Friday, January 21, 2022 10:59:11 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** Case update from CCDTF for "Tango Blast" gang member Wayne and Troy, Please find below an overview of a drug search and attached photos from the Cass County Drug Task Force (CCDTF) related to a connected cartel-related gang member of the "Tango Blast" gang from the Houston, Texas area. You can "Wikipedia" Tango Blast for a quick overview of the criminal enterprise. The photos are of the confiscated guns, drugs, and money and the suspect. The third photo is S/A Voeltz after too many hours of surveillance! A really great case for the Fargo area! Thanks, Lonnie **Director Lonnie Grabowska** **Bureau of Criminal Investigation** **P.O. Box 1054** **Bismarck, ND 58502-1054** 701-328-5530 - office §44-04-18.3 cell lgrabowska@nd.gov **From:** Franklin, Shelby <sfranklin@nd.gov> **Sent:** Friday, January 21, 2022 10:08 AM **To:** Brock Klettke (brock.r.klettke.mil@mail.mil) <brock.r.klettke.mil@mail.mil>; Miller, Casey J. <cajmiller@nd.gov>; Grabowska, Lonnie <lgrabowska@nd.gov>; Greg Warren (Greg.Warren@westfargond.gov) <Greg.Warren@westfargond.gov>; Jones, Lori J. <jonesl@casscountynd.gov>; Rummel, Arnie <arummel@nd.gov>; Schmitz Olson, Kara S. <olsonka@casscountynd.gov>; Shane Orn <shane.orn@westfargond.gov>; Stading, Joel <stadingj@casscountynd.gov> **Cc:** Jahner, Jesse F. <jahnerj@casscountynd.gov>; Denis E. Otterness <denis.otterness@westfargond.gov>; David Zibolski <dzibolski@fargond.gov>; TMorris@fargond.gov **Subject:** Case update Good morning TF board, At the last quarterly meeting I gave a brief rundown of a case we were currently working involving the Tango Blast gang members from Houston, TX. Last night we took the main individual, Joel Quinonez, and his girlfriend, Jaimie Garcia into custody. This involved a very in-depth safety plan due to the intelligence we had that Quinonez was armed and violent. When we confronted Quinonez in a hotel parking lot he attempted to reach for his firearm, but due the safety plan put together by Sgt. Orn, Sgt. Morris, and TFO Kyle Hinrichs, he was not able to retrieve it fast enough. It was a tense moment, but eventually he complied and was taken into custody. We were crammed in our takedown van, and also in the hotel room adjacent to Quinonez's, for approximately 7 hours but in the end it paid off. He had 2 stolen firearms in each pocket, and a 3rd firearm in his backpack. He was also in possession of 2.6 pounds of methamphetamine, 1 oz of heroin, and $6,121. After he was in custody he made some comments that were also concerning regarding killing whoever "snitched" on him. I would like to commend TFO Hinrichs, as well as the whole team who contributed, to this investigation (Including our Minnesota partners). Many hours went into this investigation. I believe the community is much safer with this individual in jail. I've attached some photos for you to review. This is an ongoing investigation. Thank you, Special Agent Shelby Franklin North Dakota Bureau of Criminal Investigation Cass County Drug Task Force Coordinator PO Box 9038 Fargo, ND 58106 Office: (701) 239-7261
Attachments	image001[12671].png, image002[12672].jpg, image004[12673].jpg

Record 2016

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov, tseibel@nd.gov
Subject	Re: Space needs survey - Please Complete
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:12:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:12:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:12:17.000 PM

Body	Ok, sounds good. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Friday, January 21, 2022 11:58:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Space needs survey - Please Complete We can do this since we had to do this for OMB --- **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, January 21, 2022 11:57 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** Fwd: Space needs survey - Please Complete Who's going to do this? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android --- **From:** Cronquist, Alex J. <ajcronquist@nd.gov> **Sent:** Friday, January 21, 2022 11:28:35 AM **To:** Cronquist, Alex J. <ajcronquist@nd.gov> **Subject:** Space needs survey - Please Complete Good morning, The interim Government Administration Committee, Senator Randy A. Burckhard, Chairman, has been assigned studies of space needs and property leased by the state pursuant to Section 43 of House Bill No. 1015 (2021) and House Concurrent Resolution No. 3043 (2021). These studies include a determination of the individuals who own the property leased by the state, including the members of a corporation, partnership, or any other type of entity that owns property leased by the state. At the October 25, 2021, Government Administration Committee meeting, the Legislative Council was asked to conduct a survey of state entities to collect information on space needs and leased property ownership. The committee members are aware state leases do not always identify the individual owners of property and have requested agencies/entities ask their lessors for the information. Please complete the attached survey regarding state agency space needs and leased property ownership and return the completed survey to me via email (ajcronquist@nd.gov) by Monday, February 28, 2022. If you have any questions regarding this survey, please feel free to contact me. Thank you. Alex Cronquist, CPA Senior Fiscal Analyst North Dakota Legislative Council (701)328-4238 ajcronquist@nd.gov

Record 2017

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bekeller@nd.gov, tseibel@nd.gov
Subject	Re: Space needs survey - Please Complete
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:12:12.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:12:17.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 12:12:17.000 PM

Body	Ok, sounds good. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Keller, Becky J. <bekeller@nd.gov> **Sent:** Friday, January 21, 2022 11:58:47 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** RE: Space needs survey - Please Complete We can do this since we had to do this for OMB --- **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Friday, January 21, 2022 11:57 AM **To:** Seibel, Troy T. <tseibel@nd.gov>; Keller, Becky J. <bekeller@nd.gov> **Subject:** Fwd: Space needs survey - Please Complete Who's going to do this? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android --- **From:** Cronquist, Alex J. <ajcronquist@nd.gov> **Sent:** Friday, January 21, 2022 11:28:35 AM **To:** Cronquist, Alex J. <ajcronquist@nd.gov> **Subject:** Space needs survey - Please Complete Good morning, The interim Government Administration Committee, Senator Randy A. Burckhard, Chairman, has been assigned studies of space needs and property leased by the state pursuant to Section 43 of House Bill No. 1015 (2021) and House Concurrent Resolution No. 3043 (2021). These studies include a determination of the individuals who own the property leased by the state, including the members of a corporation, partnership, or any other type of entity that owns property leased by the state. At the October 25, 2021, Government Administration Committee meeting, the Legislative Council was asked to conduct a survey of state entities to collect information on space needs and leased property ownership. The committee members are aware state leases do not always identify the individual owners of property and have requested agencies/entities ask their lessors for the information. Please complete the attached survey regarding state agency space needs and leased property ownership and return the completed survey to me via email (ajcronquist@nd.gov) by Monday, February 28, 2022. If you have any questions regarding this survey, please feel free to contact me. Thank you. Alex Cronquist, CPA Senior Fiscal Analyst North Dakota Legislative Council (701)328-4238 ajcronquist@nd.gov

Record 2018

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	RE: Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:37:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:37:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:37:00.000 PM

Body	Thanks…… **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Friday, January 21, 2022 1:06 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed FYI. *Britta K. Demello Rice* Assistant Attorney General Special Prosecutions Unit 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov> **Sent:** Friday, January 21, 2022 9:03 AM **To:** 'FirstRVB@gmail.com' <FirstRVB@gmail.com>; Dillon, Kelly A. <kadillon@nd.gov> **Cc:** VandeStreek, Tristan J. <tvandestreek@ndcourts.gov> **Subject:** Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** From: Office of the Clerk Supreme Court of North Dakota Attached is the opinion filed today in this matter. You will receive a copy of the Supreme Court judgment which will address the taxing of costs and disbursements on appeal if any are awarded. A petition for rehearing may be filed within fourteen days from entry of opinion and judgment, during which time the mandate of the Court will be stayed. Petitions for rehearing should conform to the provisions of N.D.R.App.P. 40.

Record 2019

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	bkdemellorice@nd.gov
Subject	RE: Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:37:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:37:56.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 1:37:00.000 PM

Body	Thanks…… **From:** Demello Rice, Britta K. <bkdemellorice@nd.gov> **Sent:** Friday, January 21, 2022 1:06 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Cc:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed FYI. *Britta K. Demello Rice* Assistant Attorney General Special Prosecutions Unit 600 E Boulevard Ave, Dept 125 Bismarck, ND 58505 701-328-2210 **From:** Supreme Court Clerk's Office - Erck, Sarah <SErck@ndcourts.gov> **Sent:** Friday, January 21, 2022 9:03 AM **To:** 'FirstRVB@gmail.com' <FirstRVB@gmail.com>; Dillon, Kelly A. <kadillon@nd.gov> **Cc:** VandeStreek, Tristan J. <tvandestreek@ndcourts.gov> **Subject:** Opinion in North Dakota Supreme Court No. 20210128 (State v. Bolinske, Sr.) Filed ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** From: Office of the Clerk Supreme Court of North Dakota Attached is the opinion filed today in this matter. You will receive a copy of the Supreme Court judgment which will address the taxing of costs and disbursements on appeal if any are awarded. A petition for rehearing may be filed within fourteen days from entry of opinion and judgment, during which time the mandate of the Court will be stayed. Petitions for rehearing should conform to the provisions of N.D.R.App.P. 40.

Record 2020

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: CSS Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:59:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:59:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:59:00.000 PM
Body	Thanks, Karlene! **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Friday, January 21, 2022 5:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** CSS Report Wayne – At the meeting you asked for a copy of the document that Lynn was reading from regarding the Minnkota project being in the top ten worldwide. Attached is a scanned copy of that report. Karlene

Record 2021

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	kfine@nd.gov
Subject	RE: CSS Report
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:59:35.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:59:35.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/21/2022 5:59:00.000 PM

Body	Thanks, Karlene! **From:** Fine, Karlene K. <kfine@nd.gov> **Sent:** Friday, January 21, 2022 5:37 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** CSS Report Wayne – At the meeting you asked for a copy of the document that Lynn was reading from regarding the Minnkota project being in the top ten worldwide. Attached is a scanned copy of that report. Karlene

Record 2022

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jodi.smith@nd.gov, tseibel@nd.gov
Subject	Re: Minnkota Carbon Storage Easement Agreement - AG approval required
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:26:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:26:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:26:50.000 PM

Body	Yes, approved. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Smith, Jodi <jodi.smith@nd.gov> **Sent:** Saturday, January 22, 2022 8:33:08 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Minnkota Carbon Storage Easement Agreement - AG approval required Good Morning Attorney General- Please see Mr. Wald's comments below. We are seeking your approval on the insurance provision (page 11). Thank you, Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, January 21, 2022 10:34 AM **To:** Smith, Jodi <jodi.smith@nd.gov> **Subject:** Minnkota Carbon Storage Easement Agreement - AG approval required Commissioner, In the October 28, 2021 Board meeting, the Board approved a draft carbon storage easement agreement (subject to Attorney General's approval) with Minnkota Power Cooperative to store carbon in pore space underlying Board-managed property in Oliver County. The Attorney General approved the draft on November 3, 2021. Since that time, Minnkota has expressed concern with subsection 11.4 that would permit the Board to unilaterally and immediately terminate the Agreement in the event that Minnkota allows a lapse of insurance coverage. Tag Anderson with the Risk Management Division proposed revised language to this provision providing Minnkota an opportunity to cure any such lapse and Minnkota has agreed. Attached is a redline version of the Agreement that incorporates the changes to the insurance provision (page 11) as well as immaterial clean-up edits. Also attached is an inducement letter providing for additional payment as a condition to executing the Easement Agreement. We are again asking for the Attorney General's approval of this Agreement as revised. Respectfully, **James J. Wald** Assistant Attorney General ND Department of Trust Lands 1707 North 9th Street Bismarck, ND 58501 Direct: (701) 328-1948 jawald@nd.gov *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*
Attachments	image001[16024].png

Record 2023

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	jodi.smith@nd.gov, tseibel@nd.gov
Subject	Re: Minnkota Carbon Storage Easement Agreement - AG approval required
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:26:45.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:26:49.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/23/2022 4:26:50.000 PM

Body	Yes, approved. Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Smith, Jodi <jodi.smith@nd.gov> **Sent:** Saturday, January 22, 2022 8:33:08 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov> **Subject:** FW: Minnkota Carbon Storage Easement Agreement - AG approval required Good Morning Attorney General- Please see Mr. Wald's comments below. We are seeking your approval on the insurance provision (page 11). Thank you, Jodi Smith, MNM, MNT *Land Commissioner* 701.328.2807 • jodi.smith@nd.gov • land.nd.gov **From:** Wald, James J. <jawald@nd.gov> **Sent:** Friday, January 21, 2022 10:34 AM **To:** Smith, Jodi <jodi.smith@nd.gov> **Subject:** Minnkota Carbon Storage Easement Agreement - AG approval required Commissioner, In the October 28, 2021 Board meeting, the Board approved a draft carbon storage easement agreement (subject to Attorney General's approval) with Minnkota Power Cooperative to store carbon in pore space underlying Board-managed property in Oliver County. The Attorney General approved the draft on November 3, 2021. Since that time, Minnkota has expressed concern with subsection 11.4 that would permit the Board to unilaterally and immediately terminate the Agreement in the event that Minnkota allows a lapse of insurance coverage. Tag Anderson with the Risk Management Division proposed revised language to this provision providing Minnkota an opportunity to cure any such lapse and Minnkota has agreed. Attached is a redline version of the Agreement that incorporates the changes to the insurance provision (page 11) as well as immaterial clean-up edits. Also attached is an inducement letter providing for additional payment as a condition to executing the Easement Agreement. We are again asking for the Attorney General's approval of this Agreement as revised. Respectfully, **James J. Wald** Assistant Attorney General ND Department of Trust Lands 1707 North 9th Street Bismarck, ND 58501 Direct: (701) 328-1948 jawald@nd.gov *This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.*
Attachments	image001[12457].png

Record 2024

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, jverleger@nd.gov, tseibel@nd.gov
Subject	Re: Justices to Consider Limiting Clean Water Act- Sacket cert granted
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:05:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:06:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:06:01.000 AM

Body

Unbelievable how long g this has gone on!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Monday, January 24, 2022 9:58:24 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Verleger, Jennifer L. <jverleger@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Justices to Consider Limiting Clean Water Act- Sacket cert granted

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Justices to Consider Limiting Clean Water Act

The U.S. Supreme Court, heeding calls from business and property-rights groups, agreed to use a long-running Idaho fight to consider curbing the reach of the Clean Water Act.

The justices said they will hear an appeal from Chantell and Michael Sackett, an Idaho couple waging a 15-year-old battle to build a house on land that federal regulators say is protected wetlands. The Sacketts won a 2012 Supreme Court ruling that let their lawsuit go forward.

The case becomes the second major environmental clash on the court's docket. The justices next month will consider limiting the Environmental Protection Agency's ability to address climate change through sweeping reductions of power-plant emissions.

The Supreme Court is likely to hear the case in the term that starts in October.

The new case could give companies a freer hand to discharge pollutants and let developers construct more new houses without getting a federal permit. The U.S. Chamber of Commerce and the National Association of Home Builders were among the groups urging the Supreme Court to hear the case.

The Sacketts' appeal asks the court to revisit a 2006 Clean Water Act case, Rapanos v. United States, which failed to produce a majority decision and left uncertainty about the governing standard. Four justices, led by Antonin Scalia, said the law covers wetlands only if they have a continuous surface connection to a river, lake or other major waterway.

A fifth, Justice Anthony Kennedy, created his own test, saying the Clean Water Act covers wetlands with a "significant nexus" to one of those larger bodies of water.

In their appeal, the Sacketts say courts and regulators

Body	alike have struggled to figure out how the two standards intersect. The couple's lawyers say the court should adopt Scalia's test and clear up the confusion. **Years of Confusion** "Fifteen years of fruitless confusion, conflict, and litigation is enough," the Sacketts argued in their appeal. "This court can and should chart a better course for the Clean Water Act by articulating a clear, easily administered, constitutionally sound rule for wetlands jurisdiction, using the surface-water-connection test set forth in the Rapanos plurality opinion." President Joe Biden's administration urged the court to reject the appeal, arguing that the Sacketts were overstating the confusion and that the Scalia approach would create a regulatory gap. Under the Scalia approach, "the agencies would lack authority to protect wetlands separated from a navigable river by a small dune or other natural barrier, even if overwhelming scientific evidence showed that the wetlands significantly affect the river's chemical, physical, and biological integrity," the administration argued in court papers. The administration also told the justices they shouldn't intervene until the EPA and Army Corps of Engineers finalize a proposed revision to the federal regulations that implement the key provision. The Clean Water Act, which took effect in 1972, gives the federal government control over "waters of the United States." The fight involves a 0.63-acre property near Priest Lake in northern Idaho. The property is about 300 feet (91 meters) from the lake and, on the other side, across a road from a tributary of a creek that feeds into the lake. The EPA says that the land is connected to the lake through a subsurface flow of water. The legal fight began in 2007 when the EPA issued an administrative compliance order requiring the Sacketts to restore land they had already begun preparing for construction. The case has been bouncing up and down the court system since then. A federal appeals court last year said the Clean Water Act covered the property, prompting the Sacketts to turn to the Supreme Court a second time. The case is Sackett v. Environmental Protection Agency, 21-454. --- If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 2025

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com, maiolson@nd.gov, jverleger@nd.gov, tseibel@nd.gov
Subject	Re: Justices to Consider Limiting Clean Water Act- Sacket cert granted
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:05:38.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:06:01.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:06:01.000 AM

Body

Unbelievable how long g this has gone on!

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
From: sebyp@gtlaw.com <sebyp@gtlaw.com>
Sent: Monday, January 24, 2022 9:58:24 AM
To: Stenehjem, Wayne K. <wstenehjem@nd.gov>; Olson, Margaret I. <maiolson@nd.gov>; Verleger, Jennifer L. <jverleger@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>
Subject: Justices to Consider Limiting Clean Water Act- Sacket cert granted

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A fifth, Justice Anthony Kennedy, created his own test, saying the Clean Water Act covers wetlands with a "significant nexus" to one of those larger bodies of water.

In their appeal, the Sacketts say courts and regulators

Body	alike have struggled to figure out how the two standards intersect. The couple's lawyers say the court should adopt Scalia's test and clear up the confusion. **Years of Confusion** "Fifteen years of fruitless confusion, conflict, and litigation is enough," the Sacketts argued in their appeal. "This court can and should chart a better course for the Clean Water Act by articulating a clear, easily administered, constitutionally sound rule for wetlands jurisdiction, using the surface-water-connection test set forth in the Rapanos plurality opinion." President Joe Biden's administration urged the court to reject the appeal, arguing that the Sacketts were overstating the confusion and that the Scalia approach would create a regulatory gap. Under the Scalia approach, "the agencies would lack authority to protect wetlands separated from a navigable river by a small dune or other natural barrier, even if overwhelming scientific evidence showed that the wetlands significantly affect the river's chemical, physical, and biological integrity," the administration argued in court papers. The administration also told the justices they shouldn't intervene until the EPA and Army Corps of Engineers finalize a proposed revision to the federal regulations that implement the key provision. The Clean Water Act, which took effect in 1972, gives the federal government control over "waters of the United States." The fight involves a 0.63-acre property near Priest Lake in northern Idaho. The property is about 300 feet (91 meters) from the lake and, on the other side, across a road from a tributary of a creek that feeds into the lake. The EPA says that the land is connected to the lake through a subsurface flow of water. The legal fight began in 2007 when the EPA issued an administrative compliance order requiring the Sacketts to restore land they had already begun preparing for construction. The case has been bouncing up and down the court system since then. A federal appeals court last year said the Clean Water Act covered the property, prompting the Sacketts to turn to the Supreme Court a second time. The case is Sackett v. Environmental Protection Agency, 21-454. --- If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Record 2026

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	RE: Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:16:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:16:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:16:00.000 AM

Body	Marina, This is one of the most heartwarming tributes I have ever read. What a remarkable woman you Mom was! So sorry for you loss. May she rest in peace. Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Sunday, January 23, 2022 5:28 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Herma Spahr **From:** Spahr, Marina **Sent:** Sunday, January 23, 2022 5:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Herma Spahr My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email and we also request that you immediately delete this message and its attachments, if any.

Record 2027

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	mspahr@nd.gov
Subject	RE: Herma Spahr
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:16:30.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:16:30.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:16:00.000 AM

Body	Marina, This is one of the most heartwarming tributes I have ever read. What a remarkable woman you Mom was! So sorry for you loss. May she rest in peace. Wayne **From:** Spahr, Marina <mspahr@nd.gov> **Sent:** Sunday, January 23, 2022 5:28 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** RE: Herma Spahr **From:** Spahr, Marina **Sent:** Sunday, January 23, 2022 5:27 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov>; Seibel, Troy T. <tseibel@nd.gov>; Brocker, Liz <lbrocker@nd.gov> **Subject:** Herma Spahr My mom's memorial brochure. Marina **Marina Spahr, Director MFCU** **Assistant Attorney General** **ND Office of the Attorney General** **701-328-5532** STATEMENT OF CONFIDENTIALITY: The contents of this email and its attachments are intended solely for the addressee(s) hereof. In addition, this email may be confidential. If you are not the named addressee or if this message has been addressed to you in error, you are hereby notified that you are strictly prohibited from and directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply email; we also request that you immediately delete this message and its attachments, if any.

Record 2028

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cweltz@nd.gov
Subject	Re: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:35:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:36:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:36:24.000 AM
Body	Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 2029

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cweltz@nd.gov
Subject	Re: FYI on Murders 2021

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:35:36.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:36:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:36:24.000 AM
Body	Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 2030

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cweltz@nd.gov
Subject	Re: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:47:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:47:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:47:52.000 AM
Body	"Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 2031

Sender Name	Stenehjem, Wayne K.

Sender Email	wstenehjem@nd.gov
Recipients	cweltz@nd.gov
Subject	Re: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:47:22.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:47:52.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:47:52.000 AM
Body	"Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 2032

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cweltz@nd.gov
Subject	Re: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:49:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:49:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:49:18.000 AM

Body	Dang autocorrect! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:48:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: FYI on Murders 2021 ☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:48 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 "Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 2033

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cweltz@nd.gov
Subject	Re: FYI on Murders 2021
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:49:04.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:49:17.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 9:49:18.000 AM

Body	Dang autocorrect! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:48:42 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** RE: FYI on Murders 2021 ☺ Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day! **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 9:48 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 "Still" lots better.... Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Sent:** Monday, January 24, 2022 10:36:21 AM **To:** Weltz, Colleen A. <cweltz@nd.gov> **Subject:** Re: FYI on Murders 2021 Thanks, Colleen. Drill lots better than the year before! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Weltz, Colleen A. <cweltz@nd.gov> **Sent:** Monday, January 24, 2022 10:34:54 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FYI on Murders 2021 Morning, I thought I would just give you heads up that we ended with a final count of 17 murders after verifying with the local FBI. There was one I didn't know about through monitoring of news articles. Colleen Weltz NIBRS/UCR Program Manager ND Bureau of Criminal Investigation 701-328-5527 www.attorneygeneral.nd.gov Have a nice day!

Record 2034

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Sign in to your account
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:35:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:36:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:36:08.000 PM
Body	https://id.condenast.com/interaction/AVVKXQ3uUdr_Xit-30T5t/email?xid=0ceb0735-f077-4290-96e7-a353195f78f2&scope=openid%20offline_access&state=%7B%22redirectURL%22%3A%22%2F%22%7D&p Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 2035

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	sebyp@gtlaw.com
Subject	Sign in to your account
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:35:05.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:36:07.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 12:36:08.000 PM
Body	https://id.condenast.com/interaction/AVVKXQ3uUdr_Xit-30T5t/email?xid=0ceb0735-f077-4290-96e7-a353195f78f2&scope=openid%20offline_access&state=%7B%22redirectURL%22%3A%22%2F%22%7D&p Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 2036

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov
Subject	Re: Tribal and State meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:56:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:56:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:56:48.000 PM
Body	So, I suggest Deb and Lonnie prepare for this Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 24, 2022 3:48:27 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Tribal and State meeting FYI. Liz **From:** Joseph, Christopher <cjoseph@nd.gov> **Sent:** Monday, January 24, 2022 2:46 PM **To:** Brocker, Liz <lbrocker@nd.gov>; McDaniel, Deborah A. <dmcdanie@nd.gov> **Subject:** Tribal and State meeting Good afternoon Liz and Deborah, Senator Wardner, Chairman of the Tribal and State Relations Committee, would like extend an invitation to the Attorney General's Office to provide the committee with two separate presentations. One presentation (most likely Deborah) providing information to the committee on gaming, pull tabs, and how they relate to the tribes. The second presentation would be information on drug enforcement and drug issues on tribal land and tasks forces. For each presentation I will need the following information to get the presentations added to the meeting agenda: • Full name of the presenter/representative; • Official title of the presenter/representative; • Amount of time desired for the presentation; and • Title of the presentation. Please send the above mentioned information to Jill Grossman at jillgrossman@nd.gov before January 31st so that Jill can get the meeting agenda drafted and published. Thank you very much! Sincerely, **Christopher S. Joseph** Legal Counsel North Dakota Legislative Council 600 East Boulevard Ave Bismarck, ND 58505 (701) 328-2916 cjoseph@nd.gov

Record 2037

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov, tseibel@nd.gov
Subject	Re: Tribal and State meeting
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:56:04.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:56:48.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/24/2022 2:56:48.000 PM
Body	So, I suggest Deb and Lonnie prepare for this Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Monday, January 24, 2022 3:48:27 PM **To:** Seibel, Troy T. <tseibel@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: Tribal and State meeting FYI. Liz **From:** Joseph, Christopher <cjoseph@nd.gov> **Sent:** Monday, January 24, 2022 2:46 PM **To:** Brocker, Liz <lbrocker@nd.gov>; McDaniel, Deborah A. <dmcdanie@nd.gov> **Subject:** Tribal and State meeting Good afternoon Liz and Deborah, Senator Wardner, Chairman of the Tribal and State Relations Committee, would like extend an invitation to the Attorney General's Office to provide the committee with two separate presentations. One presentation (most likely Deborah) providing information to the committee on gaming, pull tabs, and how they relate to the tribes. The second presentation would be information on drug enforcement and drug issues on tribal land and tasks forces. For each presentation I will need the following information to get the presentations added to the meeting agenda: • Full name of the presenter/representative; • Official title of the presenter/representative; • Amount of time desired for the presentation; and • Title of the presentation. Please send the above mentioned information to Jill Grossman at jillgrossman@nd.gov before January 31st so that Jill can get the meeting agenda drafted and published. Thank you very much! Sincerely, **Christopher S. Joseph** Legal Counsel North Dakota Legislative Council 600 East Boulevard Ave Bismarck, ND 58505 (701) 328-2916 cjoseph@nd.gov

Record 2038

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:59:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:00:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:00:34.000 AM

Body	Do you have the legal description for this parcel? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, January 25, 2022 10:29:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County **FYI. Liz** **From:** Amy Sisk <Amy.Sisk@bismarcktribune.com> **Sent:** Tuesday, January 25, 2022 9:28 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Correction: News Release: Incident Reported in McKenzie County ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Liz, I'm writing a story about an oil field spill caused by vandalism this weekend (see press release below). The well site where this occurred is at a well pad with the name "Stenehjem" east of Watford City. I know the Stenehjem family is from this general area and that there are a number of Stenehjems – but I thought I'd touch base with your office to see if this is by chance on land owned by the attorney general (and if so, if he has a comment about what happened). Thanks, **Amy Sisk** Reporter, The Bismarck Tribune 701-250-8252 desk 701-425-6078 cell amy.sisk@bismarcktribune.com @amyrsisk on Twitter **From:** Haarsager, Katie A. [mailto:kahaarsager@nd.gov] **Sent:** Monday, January 24, 2022 4:59 PM **Subject:** Correction: News Release: Incident Reported in McKenzie County **This Message Is From an External Sender** This message came from outside your organization. Correction: The incident location is the Stenehjem 6H oil and gas well. **From:** Haarsager, Katie A. **Sent:** Monday, January 24, 2022 4:43 PM **Subject:** News Release: Incident Reported in McKenzie County **NEWS RELEASE** | **FOR IMMEDIATE RELEASE** | January 24, 2022 **Incident Reported in McKenzie County** BISMARCK, N.D. – The North Dakota Oil and Gas Division was notified of a release occurring Sunday, January 23 at the Stenehjem 6H oil and gas well , about 9 miles east of Watford City, North Dakota. Abraxas Petroleum Corporation reported that 435 barrels of produced water were released due to a vandalism incident which left valves open on location. The sheriff office was contacted by the operator. At the time of reporting 430 barrels had been recovered with vacuum trucks. Product was contained on-site and cleanup is underway. A state inspector has been to the location and will monitor cleanup required. Federal and state laws require federal and/or state agencies be notified in the event of accidental spillage of any materials that may pollute water, air or soil. More information about notifications and the public access tool can be found on North Dakota's Unified Spill Reporting System page at spill.nd.gov **For more information, contact:** Katie Haarsager, Public Information Specialist North Dakota Oil and Gas Division 600 E Boulevard Ave., Dept. 405 | Bismarck, ND 58505-0840 PHONE: 701-328-8036 | EMAIL: kahaarsager@nd.gov www.dmr.nd.gov ###
Attachments	image002[6131244].jpg

Record 2039

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	lbrocker@nd.gov
Subject	Re: Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 9:59:54.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:00:33.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 10:00:34.000 AM

Body	Do you have the legal description for this parcel? Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Brocker, Liz <lbrocker@nd.gov> **Sent:** Tuesday, January 25, 2022 10:29:30 AM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Media inquiry FW: Correction: News Release: Incident Reported in McKenzie County FYI. Liz **From:** Amy Sisk <Amy.Sisk@bismarcktribune.com> **Sent:** Tuesday, January 25, 2022 9:28 AM **To:** Brocker, Liz <lbrocker@nd.gov> **Subject:** FW: Correction: News Release: Incident Reported in McKenzie County ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** Hello Liz, I'm writing a story about an oil field spill caused by vandalism this weekend (see press release below). The well site where this occurred is at a well pad with the name "Stenehjem" east of Watford City. I know the Stenehjem family is from this general area and that there are a number of Stenehjems – but I thought I'd touch base with your office to see if this is by chance on land owned by the attorney general (and if so, if he has a comment about what happened). Thanks, **Amy Sisk** Reporter, The Bismarck Tribune 701-250-8252 desk 701-425-6078 cell amy.sisk@bismarcktribune.com @amyrsisk on Twitter **From:** Haarsager, Katie A. [mailto:kahaarsager@nd.gov] **Sent:** Monday, January 24, 2022 4:59 PM **Subject:** Correction: News Release: Incident Reported in McKenzie County **This Message Is From an External Sender** This message came from outside your organization. Correction: The incident location is the Stenehjem 6H oil and gas well. **From:** Haarsager, Katie A. **Sent:** Monday, January 24, 2022 4:43 PM **Subject:** News Release: Incident Reported in McKenzie County **NEWS RELEASE** | **FOR IMMEDIATE RELEASE** | January 24, 2022 **Incident Reported in McKenzie County** BISMARCK, N.D. – The North Dakota Oil and Gas Division was notified of a release occurring Sunday, January 23 at the Stenehjem 6H oil and gas well , about 9 miles east of Watford City, North Dakota. Abraxas Petroleum Corporation reported that 435 barrels of produced water were released due to a vandalism incident which left valves open on location. The sheriff office was contacted by the operator. At the time of reporting 430 barrels had been recovered with vacuum trucks. Product was contained on-site and cleanup is underway. A state inspector has been to the location and will monitor cleanup required. Federal and state laws require federal and/or state agencies be notified in the event of accidental spillage of any materials that may pollute water, air or soil. More information about notifications and the public access tool can be found on North Dakota's Unified Spill Reporting System page at spill.nd.gov **For more information, contact:** Katie Haarsager, Public Information Specialist North Dakota Oil and Gas Division 600 E Boulevard Ave., Dept. 405 | Bismarck, ND 58505-0840 PHONE: 701-328-8036 | EMAIL: kahaarsager@nd.gov www.dmr.nd.gov ###
Attachments	image002[12467].jpg

Record 2040

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: OSHA Vax Mandate withdrawn
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:50:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:51:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:51:20.000 PM

Body	Got it, thanks! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 25, 2022 1:10:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: OSHA Vax Mandate withdrawn FYI **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, January 25, 2022 9:50 AM **To:** 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'laccarino, Carmine G (KYOAG)' <Carmine.laccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** Appeals Unit <AppealsUnit@OhioAGO.gov> **Subject:** OSHA Vax Mandate withdrawn ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://public-inspection.federalregister.gov/2022-01532.pdf OSHA is withdrawing the Mandate. It is still taking comments on the ETS as a proposed final rule. I'm tempted to file a short motion asking the Sixth Circuit to vacate its stay-stage decision. Let me know if you have thoughts or concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Record 2041

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	masagsve@nd.gov
Subject	Re: OSHA Vax Mandate withdrawn
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:50:56.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:51:20.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/25/2022 4:51:20.000 PM

Body	Got it, thanks! Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Sagsveen, Matthew A. <masagsve@nd.gov> **Sent:** Tuesday, January 25, 2022 1:10:36 PM **To:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** FW: OSHA Vax Mandate withdrawn FYI **From:** Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov> **Sent:** Tuesday, January 25, 2022 9:50 AM **To:** 'Alloway, Jessie M (LAW)' <jessie.alloway@alaska.gov>; 'Andree.Blumstein@ag.tn.gov'; 'Anthony.J.Galdieri@doj.nh.gov'; 'BCook@scag.gov'; 'Benjamin Wilson' <Benjamin.Wilson@oag.texas.gov>; 'Boal, Michael [IGOV]' <Michael.Boal@governor.iowa.gov>; 'Bowdre, Barrett' <Barrett.Bowdre@alabamaag.gov>; 'Brandon J. Smith' <Brandon.Smith@ag.tn.gov>; 'Brasington, Charles E (LAW)' <charles.brasington@alaska.gov>; 'brian.kane@ag.idaho.gov'; 'Bronni, Nicholas' <nicholas.bronni@arkansasag.gov>; 'Campbell, Jim' <jim.campbell@nebraska.gov>; 'Chanay, Jeff' <Jeff.Chanay@ag.ks.gov>; 'Christopher Baum' <Christopher.Baum@myfloridalegal.com>; 'Clark Hildabrand' <Clark.Hildabrand@ag.tn.gov>; 'Daniel Bell' <Daniel.Bell@myfloridalegal.com>; 'Daniel.E.Will@doj.nh.gov'; 'David.mcvey@state.sd.us'; 'Dewhirst, David' <David.Dewhirst@mt.gov>; 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>; 'Drew Waldbeser' <DWaldbeser@law.ga.gov>; 'Dunn, Barry (KYOAG)' <Barry.Dunn@ky.gov>; 'Ensign, Drew' <Drew.Ensign@azag.gov>; 'Grant Dorfman' <Grant.Dorfman@oag.texas.gov>; 'Henry Whitaker' <Henry.Whitaker@myfloridalegal.com>; 'Holmes, Melinda R' <Melinda.Holmes@atg.in.gov>; 'laccarino, Carmine G (KYOAG)' <Carmine.laccarino@ky.gov>; 'James Percival' <James.Percival@myfloridalegal.com>; 'Jeffrey DeSousa' <Jeffrey.DeSousa@myfloridalegal.com>; 'John Coghlan' <John.Coghlan@ago.ms.gov>; 'john.sauer@ago.mo.gov'; Jonathan Blanton <Jonathan.Blanton@OhioAGO.gov>; Joshua Richardson <Joshua.Richardson@OhioAGO.gov>; 'Judd Stone' <judd.stone@oag.texas.gov>; 'Justin.Matheny@ago.ms.gov'; 'Kaste, James' <james.kaste@wyo.gov>; 'Keiser, Lindsey R (KYOAG)' <lindsey.keiser@ky.gov>; 'Kuhn, Matt F (KYOAG)' <Matt.Kuhn@ky.gov>; 'LaCour, Edmund' <Edmund.LaCour@alabamaag.gov>; 'Langholz, Sam' <Sam.Langholz@ag.iowa.gov>; 'Laue, Brant' <Brant.Laue@ag.ks.gov>; 'lindsay.s.see@wvago.gov'; 'Maddox, Victor (KYOAG)' <victor.maddox@ky.gov>; 'Magera, Alexander Y (KYOAG)' <alexander.magera@ky.gov>; 'Mansinghani, Mithun' <mithun.mansinghani@oag.ok.gov>; 'masagsve@nd.gov'; May Mailman <May.Mailman@OhioAGO.gov>; 'melissaholyoak@agutah.gov'; 'Michael R. Williams' <Michael.R.Williams@wvago.gov>; 'Mills, Cori M (LAW)' <cori.mills@alaska.gov>; 'Murrill, Elizabeth' <MurrillE@ag.louisiana.gov>; 'Nolan, Brett R (KYOAG)' <Brett.Nolan@ky.gov>; 'Paul.Swedlund@state.sd.us'; 'rcantrell@agutah.gov'; 'Ross Bergethon' <RBergethon@law.ga.gov>; 'Roysden, Beau' <Beau.Roysden@azag.gov>; 'ryan.schelhaas@wyo.gov'; 'Sarah K. Campbell' <Sarah.Campbell@ag.tn.gov>; 'Scott.Stewart@ago.ms.gov'; Seibel, Troy T. <tseibel@nd.gov>; 'Shannon.Grammel@ag.ks.gov'; 'Smith, Emory' <ESmith@scag.gov>; 'St. John, Joseph' <StJohnJ@ag.louisiana.gov>; 'Stephen Petrany' <SPetrany@law.ga.gov>; 'steven.blair@state.sd.us'; 'Sylvester, Jeremy J (KYOAG)' <jeremy.sylvester@ky.gov>; 'Thacker, Christopher L (KYOAG)' <christopher.thacker@ky.gov>; 'thomas.t.lampman@wvago.gov'; 'ThomasHydrick@scag.gov'; 'tom.fisher@atg.in.gov'; 'Travis J. Royer' <travis.royer@ag.tn.gov>; 'Wagner, Vincent' <vincent.wagner@arkansasag.gov>; 'White, Kimi' <Kimi.White@ag.idaho.gov>; 'Whitney.Lipscomb@ago.ms.gov'; 'wstenehjem@nd.gov'; 'zach.west@oag.ok.gov' **Cc:** Appeals Unit <AppealsUnit@OhioAGO.gov> **Subject:** OSHA Vax Mandate withdrawn ***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** https://public-inspection.federalregister.gov/2022-01532.pdf OSHA is withdrawing the Mandate. It is still taking comments on the ETS as a proposed final rule. I'm tempted to file a short motion asking the Sixth Circuit to vacate its stay-stage decision. Let me know if you have thoughts or concerns. Ben Flowers Ohio Solicitor General Office of Ohio Attorney General Dave Yost Office number: (614) 728-7511 Cell phone: (614) 736-4938 benjamin.flowers@ohioattorneygeneral.gov Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain sensitive data and information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

Record 2042

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ajaeger@nd.gov, aaron.birst@ndaco.org
Subject	Re: Lincoln Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:13:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:13:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:23:07.000 PM
Body	

Record 2043

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	ajaeger@nd.gov, aaron.birst@ndaco.org

Subject	Re: Lincoln Day
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:13:47.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:13:47.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/26/2022 3:23:07.000 PM
Body	S2 Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android **From:** Jaeger, Al A. <ajaeger@nd.gov> **Sent:** Wednesday, January 26, 2022 1:14:08 PM **To:** Aaron Birst <aaron.birst@ndaco.org> **Cc:** Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Lincoln Day I am willing if Wayne is, too. **From:** Aaron Birst <aarongbirst@gmail.com> **Sent:** Wednesday, January 26, 2022 7:30 AM **To:** Jaeger, Al A. <ajaeger@nd.gov>; Stenehjem, Wayne K. <wstenehjem@nd.gov> **Subject:** Lincoln Day Good morning gentlemen. So the Bismarck Area Republicans are getting back to doing our Lincoln Day celebration night after taking some time off due to Covid. This years get together is scheduled for February 10th at the Ramada. Since both of you are ending your remarkable careers I was thinking you both could be co-speakers. As you know the speeches are not formal so I was just thinking of having each of you speak for 10 minutes reflecting on your time in office or whatever you would want. Thoughts?? AGB

Record 2044

Sender Name	Stenehjem, Wayne K.
Sender Email	wstenehjem@nd.gov
Recipients	cwhite@agalliance.org
Subject	Re: Cannabis Project Announcement
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:15:23.000 PM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:15:23.000 PM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	1/27/2022 3:15:54.000 PM
Body	

Record 2045

Recipients	bbrindley@brindleylaw.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:14:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:14:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:14:23.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 2046

Recipients	bbrindley@brindleylaw.com
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:14:21.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:14:21.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/10/2021 10:14:23.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 2047

Recipients	masagsve@nd.gov, tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 10:22:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 10:22:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 10:25:09.000 AM
Body	We are going to hold off on. The Headstart vaccine litigation for now. Please, ASAP, notify any of the litigating states that may think otherwise. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 2048

Recipients	masagsve@nd.gov, tseibel@nd.gov
Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 10:22:58.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 10:22:58.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/12/2021 10:25:09.000 AM
Body	We are going to hold off on. The Headstart vaccine litigation for now. Please, ASAP, notify any of the litigating states that may think otherwise. Wayne Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 2049

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:59.000 AM
Body	

Record 2050

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:48.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:48.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/17/2021 6:20:59.000 AM
Body	

Record 2051

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 9:28:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 9:28:13.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 9:32:54.000 AM

Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

Record 2052

Sync Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 9:28:13.000 AM
Submitted Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 9:28:13.000 AM
Delivered Date/Time - UTC-06:00 (M/d/yyyy)[DST]	12/26/2021 9:32:54.000 AM
Body	Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android